

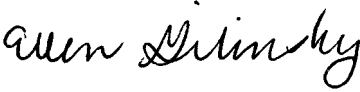
**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER DIVISION
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Subject: Guidance Memo No. 09-2008, Implementation Guidance for Reissuance of the General VPDES Permit for Storm Water Discharges Associated With Industrial Activity, VAR05

To: Regional Directors

From: Ellen Gilinsky 

Date: July 24, 2009

Copies: Deputy Regional Directors, Regional Water Permit Managers, Regional Water Compliance Managers, Rick Weeks, James Golden, and Fred Cunningham

Summary:

On April 27, 2009, the State Water Control Board adopted amendments to the General VPDES Permit for Discharges of Storm Water Associated With Industrial Activity, 9 VAC 25-151, that allowed the reissuance of the VPDES Industrial Storm Water General Permit, VAR05. The adopted regulation became effective on June 24, 2009. The new general permit has an effective date of July 1, 2009, and will expire on June 30, 2014. The purpose of this guidance is to identify changes that have been made in the reissued general permit, to provide DEQ staff with guidance on implementation of these changes, and to provide guidance on aspects of the permit that have raised questions. The current general permit expired on June 30, 2009. All eligible facilities wishing to renew coverage under VAR05 must submit a registration statement and \$500 fee to be permitted under the amended general permit. This guidance memo replaces Guidance Memo No. 99-2009.

Electronic Copy:

An electronic copy of this guidance in PDF format is available for staff internally on DEQNet, and for the general public on DEQ's website at <http://www.deq.virginia.gov/waterguidance/permits.html>.

Contact Information:

Please contact Burt Tuxford, Office of Water Permits and Compliance Assistance, at (804) 698-4086 or burt.tuxford@deq.virginia.gov with any questions regarding the application of this guidance.

Disclaimer:

This document is provided as guidance and, as such, sets forth standard operating procedures for the agency. However, it does not mandate any particular method nor does it prohibit any particular method for the analysis of data, establishment of a wasteload allocation, or establishment of a permit limit. If alternative proposals are made, such proposals should be reviewed and accepted or denied based on their technical adequacy and compliance with appropriate laws and regulations.

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Attachments

A. Registration Statement Form and Instructions

B. Notice of Termination Form

C. Example Registration Statement Transmittal Letter

D. Example Transmittal Letters for General Permit Issuance

1. Standard Issuance/Reissuance
2. Issuance/Reissuance - Facilities Discharging to Impaired Waters With a TMDL That Specifically Identifies the Facility
3. Issuance/Reissuance - Facilities Discharging to Impaired Waters Without an Established/Approved TMDL

1. Background

On April 27, 2009, the State Water Control Board adopted amendments to the General VPDES Permit for Discharges of Storm Water Associated With Industrial Activity, 9 VAC 25-151, that allowed the reissuance of the VPDES Industrial Storm Water General Permit, VAR05. The adopted regulation became effective on June 24, 2009. The new general permit has an effective date of July 1, 2009, and will expire on June 30, 2014. The purpose of this guidance is to identify changes that have been made in the reissued general permit, to provide DEQ staff with guidance on implementation of these changes, and to provide guidance on aspects of the permit that have raised questions. The current general permit expired on June 30, 2009. All eligible facilities wishing to renew coverage under VAR05 must submit a registration statement and \$500 fee to be permitted under the amended general permit. This guidance memo replaces Guidance Memo No. 99-2009 (the implementation guidance for the reissuance of the 1999 Industrial Storm Water General Permit, VAR5, now VAR05). There was no guidance issued for the 2004 reissuance of the general permit.

Copies of the modified registration statement, notice of termination, and example transmittal letters are attached to this guidance. Copies of the amended regulation, fact sheet, modified registration statement, notice of termination, and example transmittal letters are available electronically on DEQNet at this link: [2009 Industrial Storm Water GP documents](#), along with the MS Word versions of the general permit, broken down by each Industrial Sector, and example DMRs.

2. Changes to the General Permit for the 2009 Reissuance

The draft of this regulation that went to public comment was based roughly on EPA's proposed 2006 Multi-Sector General Permit (MSGP), and on recommendations from the Technical Advisory Committee (TAC) that assisted staff with drafting the amendments to the regulation. After the draft went to the Board to authorize the public comment period, EPA published their final 2008 MSGP (it was supposed to be published in 2005, but was held up until 2008 while they addressed numerous controversial issues). EPA made substantial changes for their final permit from what they had in the 2006 proposed MSGP. Some, but not all, of the changes EPA made in their final MSGP were incorporated into the final State regulation, and most of these changes were prompted by comments made by the public during the comment period.

In addition to the new effective and expiration dates, following is a summary of significant changes made to the regulation:

Section 10 - Definitions. Modified the "Industrial activity" definition category 5 (Landfills, land application sites, and open dumps) to add "debris/wastes from DCR VSMP regulated construction activities/sites".

Added definitions for "existing discharger", "impaired water", and "total maximum daily load".

Section 50 - Authorization to discharge.

A 4. Authorized Non-Storm Water Discharges. Deleted the phrase "provided the nonstorm water component of the facility's discharge is in compliance with 9 VAC 25-151-70, Part III D 2".

- A 4 d. Uncontaminated air conditioning or compressor condensate. Added "excluding air compressors".

B. Limitations on coverage.

- B 3 e. Added this new subsection for new dischargers (i.e., those without VPDES permit coverage for their storm water discharges) discharging to impaired waters without an established and approved TMDL, and explaining what those facilities had to do to be allowed to be covered under the general permit.
- B 3 f. Added a sentence to this subsection (Antidegradation Policy - previously was subsection B 3 e) clarifying how the Department will address proposed discharges to high quality waters (Tier II) and exceptional waters (Tier III).
- B 5. Added this subsection stating that "Storm water discharges associated with construction activity that are regulated under DCR's VSMP permit program are not authorized by this permit."
- Table 50-1. Sectors of Industrial Activity Covered by This Permit. Removed SIC codes 3271 and 3272 (concrete products facilities) from the list of authorized facilities since they are now covered under their own general permit.

Section 60 - Registration Statement and SWPPP.

A. Clarified that for new facilities the SWPPP must be prepared and implemented prior to the submittal of the registration statement, and that existing permittees who intend to continue coverage under this GP must review and update the SWPPP to meet any new permit requirements by October 1, 2009.

C. Registration Statement Contents. Asked for the name, address, etc. for (1) the site property owner; (2) the operator applying for permit coverage; and (3) the party who will be legally responsible for the permit. Removed the requirement that the applicant tell us if the SWPPP has been prepared. Deleted the topographic map submittal requirement, and required that the SWPPP general location map, and for new facilities the SWPPP site map, be submitted with the registration statement. Existing permittees must submit the SWPPP site map (revised with the new requirements for this reissuance) as soon as possible, but not later than October 1, 2009. If the applicant's facility is a landfill, asked them to tell us the type of landfill. If the facility is a timber products operation, asked them to identify any outfalls that receive discharges from wet decking areas.

F. Added this new subsection stating that the Department will post all registration statements received to the agency's public web site for 30 days prior to the Department granting coverage under the general permit.

Section 65 - Termination of permit coverage. Removed the requirement that the termination notice has to be filed within 30 days after they meet one of three possible conditions (the owner can now file the notice anytime).

Section 70 - General permit.

Part I A - Effluent Limitations, Monitoring Requirements and Special Conditions.

- 1. Monitoring. Broke the monitoring into three sections: (a) quarterly visual monitoring; (b) benchmark monitoring for specific industrial activities; and (c) compliance monitoring for facilities subject to numerical effluent limitations or discharges to impaired waters.
 - a. Quarterly Visual Monitoring. Clarified that if no qualifying rainfall event occurred "during daylight hours" for that quarter, the permittee is excused from the quarterly visual monitoring that quarter. For inactive and unstaffed sites, clarified the monitoring waiver to add that there must be "no industrial materials or activities exposed to storm water" for them to qualify for this waiver. Moved the Representative Outfalls section up from the Part I A 2 "Monitoring Instructions" section. Added a section to indicate when the monitoring starts if the facility's permit coverage is effective less than a month from the end of a monitoring period.
 - b. Benchmark Monitoring. Updated Table 70-1 to show the industrial sectors that had monitoring requirements added (sectors N, P, R, S, U, and AD), and the revised benchmark monitoring parameters. Clarified that benchmark monitoring must be performed at least once during at least the first two, and potentially all monitoring periods, unless they qualify for a waiver; defined the monitoring periods; added a section to indicate when the monitoring starts if the facility's permit coverage is effective less than a month from the end of a monitoring period. Clarified that benchmark monitoring waiver requests will be evaluated by DEQ based upon (1) benchmark monitoring results below the applicable benchmark concentration values; (2) a favorable compliance history (including inspection results); and (3) no outstanding enforcement actions. Also added that the benchmark monitoring waivers may be revoked by DEQ for cause. Clarified the monitoring waiver for inactive and unstaffed sites to add that there must be "no industrial materials or activities exposed to storm water" for them to qualify for this waiver. Moved the Representative Outfalls section up from the Part I A 2 "Monitoring Instructions" section.
 - c. Compliance Monitoring For Discharges Subject To Numerical Effluent Limitations or Discharges to Impaired Waters. Broke this into four subsections: (1) facilities subject to storm water effluent limitation guidelines; (2) coal pile runoff monitoring; (3) facilities discharging to an impaired water with a Board established and EPA approved TMDL wasteload allocation; and, (4) facilities discharging to an impaired water without a Board established and EPA approved TMDL wasteload allocation.
 - (1) Facilities subject to storm water effluent limitation guidelines. Clarified that monitoring must be performed at least once during each of the monitoring periods; defined the monitoring periods; added a section to indicate when the monitoring starts if the facility's permit coverage is effective less than a month from the end of a monitoring period.
 - (2) Coal Pile Runoff Monitoring. Clarified that monitoring must be performed at least once during each of the monitoring periods; defined the monitoring periods; added a section to indicate when the monitoring starts if the facility's permit coverage is effective less than a month from the end of a monitoring period.

(3) Facilities discharging to an impaired water with a Board established and EPA approved TMDL wasteload allocation (WLA). This is a new section for this reissuance. Facilities will be given written notification from DEQ that they are subject to TMDL monitoring. Required the monitoring to be conducted at least semi-annually; defined the monitoring periods; indicated when the monitoring starts if the facility is notified that they are subject to the TMDL monitoring requirements less than a month from the end of a monitoring period. Included a provision that allows facilities to discontinue the TMDL monitoring after the first four monitoring periods (subject to Department approval) if the pollutant subject to the TMDL is not detected in any of the samples.

(4) Facilities discharging to an impaired water without a Board established and EPA approved TMDL wasteload allocation (WLA). This is a new section for this reissuance. Facilities will be given written notification from DEQ that they are subject to the impaired water monitoring. Facilities must monitor once during the monitoring period (essentially annually) for all the pollutants that are causing the impairment. Facilities may be waived from further monitoring if the pollutant is not present in their discharge, or the presence is due solely to natural background conditions. Monitoring must be submitted annually on a DMR to the Department.

- 2. Monitoring Instructions. Deleted the Monitoring Periods subsection and moved it to each of the individual monitoring sections. Moved the Representative Outfalls subsection to the quarterly visual monitoring and benchmark monitoring sections since that provision only applies to those types of monitoring. Added a requirement that a facility document in the SWPPP any inability to obtain a sample, of no rain event, or of no "measurable" storm event.
- 3. Monitoring waivers. Deleted the alternative certification of "not present" or "no exposure" to be consistent with EPA's final 2008 MSGP.
- 4. Reporting Monitoring Results. For effluent limitation monitoring, specified that the DMR due date is January 10th. Added a section requiring TMDL WLA monitoring to be submitted by July 10th and January 10th. Changed the benchmark monitoring section to require monitoring to be submitted on a DMR by January 10th. Added a follow-up monitoring section requiring this monitoring to be submitted on a DMR no later than 30 days after the results are received. Added a significant digits section to discuss the number of significant digits for reporting monitoring data.
- 5. Corrective Actions. Added this section that describes actions that the permittee must take if (a) benchmark monitoring results exceed benchmark monitoring concentrations; (b) routine facility inspections, comprehensive site compliance evaluations, facility inspections, or other observations result in discovery of a deficiency; or (c) there is an exceedance of an effluent limitation, TMDL wasteload allocation or a water quality standard. For exceedances of an effluent limitation, TMDL wasteload allocation or a water quality standard, the permittee must conduct follow-up monitoring and reporting on the schedule set in the permit until the results indicate that the limitation/allocation/standard is no longer being exceeded.

Included a sentence in Part I A 5 a (1) (Data Exceeding Benchmark Concentration Values) that allows a facility extra time if construction is necessary to implement BMPs that are added in response to the required SWPPP evaluation. Also included this provision in the Part I A 5 b (3) (Corrective Actions) subsection.

Added subsection Part I A 5 a (2) based on EPA's final 2008 MSGP that allows a facility to forgo corrective action for benchmark exceedances where the exceedance is due to natural background conditions.

Part I B - Special Conditions

- 1. Allowable Non-storm Water Discharges. Deleted the phrase "provided the nonstorm water component of the discharge is in compliance with Part III D 2 (Nonstorm water discharges) of this general permit:". Added a list of the non-storm water discharges from the Sector Specific SWPPP section (Part IV) that are specifically not authorized by the permit.
- 6. Salt storage piles. Added a requirement for the permittee to implement appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the salt pile. Added a requirement for all salt storage piles to be located on an impervious surface, and a requirement that all runoff from the pile, and/or runoff that comes in contact with salt, including under drain systems, be collected and contained within a bermed basin lined with concrete or other impermeable materials, or within an underground storage tank, or within an above ground storage tank, or disposed of through a sanitary sewer (with the permission of the treatment facility). A combination of any or all of these methods may be used. Salt contaminated stormwater is not allowed to be discharged directly to the ground or to state waters.
- 7. Discharges to Waters Subject to TMDL WLAs. Added this special condition requiring facilities that are a source of the pollutant of concern to TMDL waters (Board established and EPA approved prior to the term of the permit) to incorporate measures and controls into their SWPPP to address the TMDL requirements, to implement BMPs designed to meet any specific waste load allocations that apply to the facility, and to perform any required monitoring. DEQ will notify the permittee that they are subject to the TMDL requirements, and if there are monitoring requirements associated with the TMDL.
- 8. Water Quality Protection. Added several sentences from EPA's final 2008 MSGP requiring the permittee to control discharges as necessary to meet applicable water quality standards, and indicating that it is expected that compliance with the conditions of this permit will control discharges as necessary to meet applicable water quality standards.

Added "an excursion above a TMDL waste load allocation" to the list of things that the Board may potentially take action on.
- 9. Adding/Deleting Storm Water Outfalls. Added this special condition to allow the permittee to add or delete storm water outfalls at the facility as necessary or appropriate. The permittee has to update the SWPPP and notify DEQ of the change within 30 days of the change.

- 10. Antidegradation Requirements for New or Increased Discharges to High Quality Waters. Added this special condition to discuss how new or expanded discharges from a facility may be subject to additional SWPPP control measures, or may require that the facility apply for an individual permit in order to meet the applicable antidegradation requirements.

Part II - Conditions Applicable to All VPDES Permits

- B 2. (Retention of records). Modified the records retention requirement to require that records be kept for three years following the date that coverage under this permit expires or is terminated, to be consistent with EPA's final 2008 MSGP.
- M. Duty to Reapply. To be consistent with the Registration Statement section, changed the time to submit a registration statement to reapply for permit coverage from 180 to 90 days prior to the expiration date of the permit.

Part III - Storm Water Pollution Prevention Plan

- A 1. Deadlines for Plan Preparation and Compliance - Facilities That Were Covered Under the 2004 ISWGP. Changed the requirement to allow existing permittees until October 1st, 2009 to review and update their SWPPP.
- B. Contents of the Plan
 - B 2 c. Site Map. Added the following things to show on the map: size of the property; location and extent of significant structures and impervious surfaces; locations of all storm water conveyances; location of any salt piles; and the location of any MS4s the facility discharges to.
 - B 5. Sampling Data. Clarified that the summary of existing sampling data is for storm water sampling data, and stated that, at a minimum, the summary must include data from the previous permit term.
 - B 6. Storm Water Controls. Extensively rewrote B 6 a and the introduction to B 6 b to conform to changes made by EPA in their proposed 2006 MSGP, and their final 2008 MSGP. Eliminated the subsection headings of "(1) Nonstructural BMPs" and "(2) Structural BMPs", and listed all the BMPs types that must be implemented under subsection B 6 b. Added a title to B 6 b ("Control Measures (Non-numeric Technology-based Effluent Limits)") to be consistent with EPA's final 2008 MSGP. Edited the BMP descriptions to conform to the changes EPA made in their proposed 2006 MSGP.

B 6 b (5). Waived the routine facility inspection requirement for facilities that maintain an active E3/E4 status with DEQ. Added a requirement that at least once each calendar year the routine facility inspection shall be conducted during a period when a storm discharge is occurring. Changed the time period to correct deficiencies in the implementation of the SWPPP from 14 days to 30 days to be consistent with the Part I A 5 (Corrective Actions) requirement.
- C. Maintenance. Added a requirement that storm water BMPs be observed during active operation to ensure they are operating properly. Modified the remainder of the section to

conform to changes EPA made in their proposed 2006 MSGP. Changed the documentation requirements for maintenance activities to be consistent with EPA's final 2008 MSGP.

- D. Non-storm Water Discharges. Moved the certification of non-storm water discharges requirement to the Part III E "Comprehensive Site Compliance Evaluation" section (Part III E 1 h).
- E. Comprehensive Site Compliance Evaluation. Deleted the requirement that at least one member of the Pollution Prevention Team participate in the comprehensive site compliance evaluation, and added a statement that the personnel conducting the evaluations may be either facility employees or outside constituents hired by the facility.
 - E 1. Added the following things for facility personnel to evaluate: (1) evidence of pollutants discharging to surface waters at all facility outfalls, and the condition of and around the outfall, including flow dissipation measures to prevent scouring; (2) review of training performed, inspections completed, maintenance performed, quarterly visual examinations, and effective operation of BMPs; and (3) Certification of outfall evaluation for unauthorized discharges (this had been in the Part III C non-storm water discharges section). Changed this to an annual evaluation, and not a certification. Deleted the E 1 h (2) notification requirement and replaced it with an allowance for the permittee to request approval from the Department to be able to evaluate 20% of their outfalls annually on a rotating basis such that all outfalls are evaluated over the permit term.
 - E 2. SWPPP Modifications. Changed the time to complete revisions from 14 days to 30 days to be consistent with the Part I A 5 (Corrective Actions) requirement.
- F. Signature and Plan Review. Modified this section to be consistent with the changes EPA made for their final 2008 MSGP.
- G. Maintaining an Updated SWPPP.
 - G 1. Added the following conditions specifying when the SWPPP needs to be reviewed and, if appropriate, amended: (1) there is a spill, leak or other release at the facility; (2) there is an unauthorized discharge from the facility; and (3) the DEQ notifies the permittee that a TMDL has been developed and applies to the facility.
 - G 2. Added this subsection specifying when SWPPP modifications need to be made.
 - G 3. Added this subsection requiring specific information to be included if the SWPPP modification is based on a release or unauthorized discharge.
- H. Special Pollution Prevention Plan Requirements. Consistent with EPA's final 2008 MSGP, deleted this section, which dealt with additional requirements for facilities discharging through MS4s, and for facilities subject to EPCRA § 313 reporting requirements.

Part IV - Sector Specific Permit Requirements

- Renamed "Monitoring Cut-off Concentrations" to "Benchmark Concentrations".
- Sector A - Timber Products. Removed the benchmark monitoring for Zinc under the "General Sawmills and Planing Mills" (SIC 2421) category.

- Sector F - Primary Metals. Changed the routine facility inspection frequency from quarterly to monthly to be consistent with EPA's proposed 2006 MSGP.
- Sector G - Metal Mining. Added the following to the description of covered discharges: (1) storm water discharges from exploration and development of metal mining and/or ore dressing facilities; and (2) storm water discharges from facilities at mining sites undergoing reclamation. Added the EPA definition of Final Stabilization. Added a section on "Clearing, Grading and Excavation Activities" from EPA's 2006 proposed MSGP. Deleted the separate section for "Inactive mining facilities" and included them in the section for "Active and temporarily inactive facilities". Added a section for "Termination of permit coverage" from EPA's 2006 proposed MSGP. Deleted the benchmark monitoring requirements for discharges from waste rock and overburden piles from Table 150-1, and put them in a new Table 150-2. Deleted the benchmark monitoring for Manganese to be consistent with EPA's final 2008 MSGP. Changed old Table 150-2 to Table 150-3.
- Sector I - Oil and Gas Extraction and Refining. Changed the routine facility inspection frequencies to monthly (two places) to be consistent with EPA's proposed 2006 MSGP.
- Sector L - Landfills. Deleted the definitions of "Land treatment facility", "Landfill", and "Surface Impoundment" to be consistent with EPA's final 2008 MSGP.
- Sector M - Automobile Salvage Yards. Added mercury switches to the list of things to inspect for leaks, and to train personnel on the proper handling of.
- Sector N - Scrap Recycling and Waste Recycling Facilities. Added requirements for mercury switch removal, inspection and spill clean-up as per EPA's proposed 2006 and final 2008 MSGP. For scrap recycling and waste recycling facilities (both types), changed the inspection frequency from quarterly to monthly to be consistent with EPA's proposed 2006 MSGP. For facilities engaged in "Ship Dismantling, Marine Salvaging and Marine Wrecking" (SIC 4499), added benchmark monitoring for Aluminum, Cadmium, Chromium, Iron, Lead and Zinc, and TSS.
- Sector P - Land Transportation and Warehousing. Added benchmark monitoring for TPH and TSS.
- Sector R - Ship and Boat Building or Repair Yards. Added benchmark monitoring for TSS.
- Sector S - Air Transportation. Added benchmark monitoring for COD and TSS.
- Sector U - Food and Kindred Products. Changed the routine facility inspection frequency to monthly to be consistent with EPA's proposed 2006 MSGP. Added benchmark monitoring for BOD₅ and TSS to "Dairy Products Facilities" (SIC 2021-2026).
- Sector AD - Non-classified Facilities/Storm Water Discharges Designated by the Board. Added benchmark monitoring for TSS.

3. Coverage and Restrictions to Coverage

This permit covers point source discharges of storm water associated with industrial activity to surface waters, including discharges through municipal or non-municipal separate storm sewer

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systems. The permit is intended to cover discharges from the industrial sectors/activities listed in Table 1 below. Note that Sector AD is for "Other storm water discharges designated by the Board as needing a permit." The VPDES Permit Regulation at 9 VAC 25-31-120 A 1 c allows the Board to designate storm water discharges for permitting if the discharge is:

A discharge which either the Board or the Regional Administrator determines to contribute to a violation of a water quality standard or is a significant contributor of pollutants to surface waters. This designation may include a discharge from any conveyance or system of conveyances used for collecting and conveying storm water run-off, except for those discharges from conveyances which do not require a permit under subdivision 2 of this subsection [certain mining operations and certain oil and gas exploration, production, processing and treatment operations] or agricultural storm water run-off which is exempted from the definition of point source.

TABLE 1. SECTORS OF INDUSTRIAL ACTIVITY COVERED BY THIS PERMIT.	
SIC Code or Activity Code	Activity Represented
Sector A: Timber Products	
2411	Log storage and handling (Wet deck storage areas are only authorized if no chemical additives are used in the spray water or applied to the logs).
2421	General sawmills and planing mills.
2426	Hardwood dimension and flooring mills.
2429	Special product sawmills, not elsewhere classified.
2431-2439 (except 2434 - see Sector W)	Millwork, veneer, plywood, and structural wood.
2441, 2448, 2449	Wood containers.
2451, 2452	Wood buildings and mobile homes.
2491	Wood preserving.
2493	Reconstituted wood products.
2499	Wood products, not elsewhere classified.
Sector B: Paper and Allied Products	
2611	Pulp mills.
2621	Paper mills.
2631	Paperboard mills.
2652-2657	Paperboard containers and boxes.
2671-2679	Converted paper and paperboard products, except containers and boxes.
Sector C: Chemical and Allied Products	
2812-2819	Industrial inorganic chemicals.
2821-2824	Plastics materials & synthetic resins, synthetic rubber, cellulosic & other manmade fibers except glass.
2833-2836	Medicinal chemicals and botanical products; pharmaceutical preparations; in vitro and in vivo diagnostic substances; biological products, except diagnostic substances.
2841-2844	Soaps, detergents, and cleaning preparations; perfumes, cosmetics, and other toilet preparations.
2851	Paints, varnishes, lacquers, enamels, and allied products.
2861-2869	Industrial organic chemicals.
2873-2879	Agricultural chemicals.
2891-2899	Miscellaneous chemical products.
3952 (limited to list)	Inks and paints, including china painting enamels, India ink, drawing ink, platinum paints for burnt wood or leather work, paints for china painting, artist's paints and artist's watercolors.

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Sector D: Asphalt Paving and Roofing Materials and Lubricants	
2951, 2952	Asphalt paving and roofing materials.
2992, 2999	Miscellaneous products of petroleum and coal.
Sector E: Glass Clay, Cement, Concrete, and Gypsum Products	
3211	Flat glass.
3221, 3229	Glass and glassware, pressed or blown.
3231	Glass products made of purchased glass.
3241	Hydraulic cement.
3251-3259	Structural clay products.
3261-3269	Pottery and related products.
3274, 3275	Concrete, gypsum and plaster products, except: concrete block and brick; concrete products, except block and brick; and ready-mixed concrete facilities (SIC 3271-3273).
3281	Cut stone and stone products
3291-3299	Abrasive, asbestos, and miscellaneous non-metallic mineral products.
Sector F: Primary Metals	
3312-3317	Steel works, blast furnaces, and rolling and finishing mills.
3321-3325	Iron and steel foundries.
3331-3339	Primary smelting and refining of nonferrous metals.
3341	Secondary smelting and refining of nonferrous metals.
3351-3357	Rolling, drawing, and extruding of nonferrous metals.
3363-3369	Nonferrous foundries (castings).
3398, 3399	Miscellaneous primary metal products.
Sector G: Metal Mining (Ore Mining and Dressing)	
1011	Iron ores.
1021	Copper ores.
1031	Lead and zinc ores.
1041, 1044	Gold and silver ores.
1061	Ferroalloy ores, except vanadium.
1081	Metal mining services.
1094, 1099	Miscellaneous metal ores.
Sector H: Coal Mines and Coal Mining Related Facilities	
1221-1241	Coal mines and coal mining-related facilities.
Sector I: Oil and Gas Extraction and Refining	
1311	Crude petroleum and natural gas.
1321	Natural gas liquids.
1381-1389	Oil and gas field services.
2911	Petroleum refineries.
Sector K: Hazardous Waste Treatment, Storage, or Disposal Facilities	
HZ	Hazardous waste treatment storage or disposal.
Sector L: Landfills and Land Application Sites	
LF	Landfills, land application sites, and open dumps.
Sector M: Automobile Salvage Yards	
5015	Automobile salvage yards.
Sector N: Scrap Recycling Facilities	
5093	Scrap recycling facilities.
4499 (limited to list)	Dismantling ships, marine salvaging, and marine wrecking - ships for scrap
Sector O: Steam Electric Generating Facilities	

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SE	Steam electric generating facilities.
Sector P: Land Transportation and Warehousing	
4011, 4013	Railroad transportation.
4111-4173	Local and highway passenger transportation.
4212-4231	Motor freight transportation and warehousing.
4311	United states postal service.
5171	Petroleum bulk stations and terminals.
Sector Q: Water Transportation	
4412-4499 (except 4499 facilities as specified in Sector N)	Water transportation.
Sector R: Ship and Boat Building or Repairing Yards	
3731, 3732	Ship and boat building or repairing yards.
Sector S: Air Transportation	
4512-4581	Air transportation facilities.
Sector T: Treatment Works	
TW	Treatment works.
Sector U: Food and Kindred Products	
2011-2015	Meat products.
2021-2026	Dairy products.
2032-2038	Canned, frozen and preserved fruits, vegetables and food specialties.
2041-2048	Grain mill products.
2051-2053	Bakery products.
2061-2068	Sugar and confectionery products.
2074-2079	Fats and oils.
2082-2087	Beverages.
2091-2099	Miscellaneous food preparations and kindred products.
2111-2141	Tobacco products.
Sector V: Textile Mills, Apparel, and Other Fabric Product Manufacturing, Leather and Leather Products	
2211-2299	Textile mill products.
2311-2399	Apparel and other finished products made from fabrics and similar materials.
3131-3199 (except 3111 - see Sector Z)	Leather and leather products, except leather tanning and finishing.
Sector W: Furniture and Fixtures	
2434	Wood kitchen cabinets.
2511-2599	Furniture and fixtures.
Sector X: Printing and Publishing	
2711-2796	Printing, publishing, and allied industries.
Sector Y: Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries.	
3011	Tires and inner tubes.
3021	Rubber and plastics footwear.
3052, 3053	Gaskets, packing, and sealing devices and rubber and plastics hose and belting.
3061, 3069	Fabricated rubber products, not elsewhere classified.
3081-3089	Miscellaneous plastics products.
3931	Musical instruments.
3942-3949	Dolls, toys, games and sporting and athletic goods.
3951-3955 (except 3952 facilities as specified in Sector C)	Pens, pencils, and other artists' materials.

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3961, 3965	Costume jewelry, costume novelties, buttons, and miscellaneous notions, except precious metal.
3991-3999	Miscellaneous manufacturing industries.
Sector Z: Leather Tanning and Finishing	
3111	Leather tanning, currying and finishing.
Sector AA: Fabricated Metal Products	
3411-3499	Fabricated metal products, except machinery and transportation equipment.
3911-3915	Jewelry, silverware, and plated ware
Sector AB: Transportation Equipment, Industrial or Commercial Machinery	
3511-3599 (except 3571-3579 - see Sector AC)	Industrial and commercial machinery (except computer and office equipment).
3711-3799 (except 3731, 3732 - see Sector R)	Transportation equipment (except ship and boat building and repairing).
Sector AC: Electronic, Electrical, Photographic, and Optical Goods	
3571-3579	Computer and office equipment.
3612-3699	Electronic, electrical equipment and components, except computer equipment.
3812-3873	Measuring, analyzing and controlling instrument; photographic and optical goods.
Sector AD: Non-classified Facilities/Storm Water Discharges Designated By the Board As Requiring Permits	
N/A	Other storm water discharges designated by the Board as needing a permit (see 9 VAC 25-31-120 A 1 e) or any facility discharging storm water associated with industrial activity not described by any of Sectors A-AC. (Note: Facilities may not elect to be covered under Sector AD. Only the Director may assign a facility to Sector AD.)

Because of the broad scope of this permit, most industrial activities currently regulated under the VPDES storm water program are eligible to be covered under the permit. There are, however, several types of storm water discharges which are not covered under this permit:

1. Discharges into a waterbody where a discharge is restricted or prohibited by another policy or regulation of the State Water Control Board;
2. If an owner has been required to obtain an individual VPDES permit for their storm water discharges pursuant to the VPDES Permit Regulation at 9 VAC 25-31-170 B;
3. Discharges from Department of Conservation and Recreation (DCR) Virginia Storm Water Management (VSMP) permitted construction activities;
4. Discharges that are located at a facility where a VPDES permit has been terminated (other than at the request of the permittee) or denied;
5. Discharges that the Director determines cause, or may reasonably be expected to cause, or be contributing to a violation of a water quality standard; and
6. Discharges subject to storm water effluent limitation guidelines not described in the permit.

Other discharges of storm water that are not authorized under the general permit are:

1. Discharges that are not within the industrial sectors identified in Table 1, unless they are designated by the Board for coverage under sector AD. The Regional Office will make the designation decisions, and send the notification letter to the discharger. The Regional Water Permit Manager should concur with any decision to permit a facility under Sector AD;

2. Discharges that are mixed with sources of non-storm water unless the non-storm water component of the discharge is listed under the permit's "authorized non-storm water discharges", or is in compliance with a different VPDES permit;
3. Discharges to waters for which a TMDL allocation has been established by the Board and approved by EPA prior to the term of this permit, unless the owner develops, implements, and maintains a SWPPP that is consistent with the assumptions and requirements of the TMDL. This only applies where the facility is a source of the TMDL pollutant of concern. The SWPPP has to specifically address any conditions or requirements included in the TMDL that are applicable to discharges from the facility. If the TMDL establishes a specific numeric wasteload allocation that applies to discharges from the facility, the owner has to implement BMPs designed to meet that allocation;
4. New dischargers that discharge to impaired waters for which a TMDL has not been established by the Board and approved by EPA unless:
 - a. The discharger prevents all exposure to storm water of the pollutant(s) for which the waterbody is impaired, and retains documentation of the procedures taken to prevent exposure onsite with the SWPPP; or
 - b. The discharger documents that the pollutant(s) for which the waterbody is impaired is not present at the site, and retains documentation of this finding with the SWPPP; or
 - c. Prior to submitting a Registration Statement, the discharger provides to the appropriate DEQ Regional Office data to support a showing that the discharge is not expected to cause or contribute to an exceedance of a water quality standard. The discharger has to provide data and other technical information to the Regional Office sufficient to demonstrate that the discharge of the pollutant for which the water is impaired will meet in-stream water quality criteria at the point of discharge to the waterbody. The facility discharges are authorized under this permit if the discharger receives an affirmative determination from the Regional Office that the discharges will not contribute to the existing impairment. The discharger has to maintain the supporting data and the Regional Office determination onsite with the SWPPP;
5. Discharges that do not comply with Virginia's Antidegradation Policy for Water Quality Standards under 9 VAC 25-260-30. If the facility's discharges will not comply with the antidegradation requirements, an individual permit application may be required to allow a discharge that meets the requirements for High Quality Waters in 9 VAC 25-260-30 A 2, or permits may be denied to meet the requirements for Exceptional Waters in 9 VAC 25-260-30 A 3.

Storm water discharges from non-metallic mineral mining facilities (SIC Major Group 14), and concrete block and brick; concrete products, except block and brick; and ready-mixed concrete facilities (SIC codes 3271-3273) are not covered by this permit. Facilities in these SIC categories should seek coverage under separate VPDES general permits developed specifically for these industries (VAG84 for the non-metallic mineral mining; VAG11 for concrete products facilities).

Authorized Non-Storm Water Discharges. The following non-storm water discharges are authorized by this permit:

- discharges from fire fighting activities;
- fire hydrant flushings;
- potable water including water line flushings;
- uncontaminated air conditioning or compressor condensate (excluding air compressors);
- irrigation drainage;
- landscape watering provided all pesticides, herbicides, and fertilizer have been applied in accordance with manufacturer's instructions;
- pavement wash waters where no detergents are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed);
- routine external building wash down which does not use detergents;
- uncontaminated ground water or spring water;
- foundation or footing drains where flows are not contaminated with process materials; and
- incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but NOT intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown or drains).

Non-storm water discharges are allowable under this permit provided the permittee includes the following information in the SWPPP: (a) an identification of each allowable non-storm water source, except for flows from fire fighting activities; (b) the location where the non-storm water is likely to be discharged; and (c) descriptions of appropriate BMPs for each source. All other non-storm water discharges, whether mixed with storm water or not, must be in compliance with a VPDES permit (other than this general permit) issued for the discharge.

Note that "air compressor condensate" is now NOT an authorized non-storm water discharge. This was a change for this permit reissuance that was requested by the TAC. We have already received questions from permittees asking what they are supposed to do with this water now. There is no general permit developed yet for "de minimis" discharges, and these discharges do not qualify for coverage under the Cooling Water GP (VAG25). The facility will either have to send these discharges to a sanitary system, or manage them in some other fashion such that there is no discharge to surface waters (e.g., pump-and-haul; non-discharging evaporation basin; etc.).

4. Registration Statements and SWPPPs

Owners/operators are required to submit a complete Registration Statement to the Department in order to obtain coverage under the general permit. The information that is required to be submitted is contained in the regulation in Section 9 VAC 25-151-60 (Registration Statement and SWPPP). The applicant is NOT required to use our Registration Statement form to apply for coverage under the general permit. However, they must submit all the information required for registration listed in the regulation, including the certification. The revised Registration Statement form and its instructions are included with this guidance as Attachment A. A complete registration package should include the Registration Statement form (or the required information); the SWPPP General Location Map; for new facilities -- the SWPPP Site Map (renewing facilities must submit this by October 1st, 2009 -- see below); and, a list of applicable Sectors and associated outfalls.

The draft of the regulation that went to public comment included a requirement that existing facilities that were renewing permit coverage had to update their SWPPP prior to submitting the Registration Statement. Due to the delays in getting the regulation finalized and adopted by the Board, it was felt that existing facilities would not have time to update and implement the new SWPPP requirements prior to the June 30th deadline for submitting the Registration Statement. For the final regulation, we changed the requirement for existing facilities, and gave them until October 1st, 2009 to update and implement any revisions to the SWPPP. New facilities still have to prepare and implement the SWPPP prior to submitting a Registration Statement.

The Registration Statement has changed somewhat for this reissuance.

Item 1 - Owner name, mailing address and telephone number.

- Added "email address (where available)";
- Broke this into three sub-items:
 - a. Property owner of the site;
 - b. Operator applying for permit coverage; and
 - c. Responsible party requesting permit coverage, and who will be legally responsible for compliance with this permit.

The "responsible party" sub-item has already caused all manner of confusion with applicants. This was an item requested to be included by the TAC, and usually it will be either the party listed in "a" or "b". However, in some unusual cases it could be a third party (such as a "parent" corporation, like a Dominion Power). It is intended that this be an entity, and NOT a specific individual at that entity (although for a "Mom and Pop" operation, or something similar, it could be an individual).

Item 2 - Facility name, address, county, contact name and phone number. Added "email address (where available)". NOTE: "County" was inadvertently left off the Registration Statement form that was sent to existing permittees for the reissuance. The form has now been corrected, and has been posted on both DEQNet and DEQ's web page.

Item 4 - Name of the receiving water(s). Added "that storm water is discharged into".

Old Item 8 - Has the SWPPP been prepared? Deleted this item, and included a statement in the beginning of the "Registration Statement and SWPPP" section (9 VAC 25-151-60 A) that states when the SWPPP must be prepared (for new facilities) or updated (for existing facilities) - see above.

Old Item 9 - Topographic map. Renumbered this as "**Item 8**", deleted the topographic map requirement, and changed the item to require that the applicant submit a copy of the SWPPP General Location Map, and a copy of the SWPPP Site Map, updated in accordance with the revised permit requirements in Part III B 2 c. For existing facilities, the site map needs to be submitted to the Regional Office as soon as possible, but no later than October 1st, 2009.

This item seems to have caused a lot of confusion with applicants as well. At a minimum, existing facilities need to submit the SWPPP General Location Map with the registration

package. New facilities must submit both the SWPPP General Location Map and the SWPPP Site Map with the registration package.

We have added two event codes in CEDS to track site map submittals:

- SMRD - Site Map/Plan Received at RO
- SMCP - Site Map/Plan Totally/Technically Complete

For existing facilities, these codes will not show up automatically on the Events screen, but they can be selected for insertion from the Storm Water GP Event Codes list. For new applications, these codes should show up automatically on the Events screen.

For existing facilities, if the updated site maps are not received by October 1, 2009, the facility probably should receive a Warning Letter, but that will be a Regional call.

Old Item 11 - Identification of all applicable sectors. Renumbered this to "**Item 10**", and in the regulation we added two sub-items:

- a. If the facility is a landfill (sector L), indicate the type of landfill (MSWLF (municipal solid waste landfill), CDD (construction debris/demolition), or other), and which outfalls (if any) receive contaminated storm water runoff.
- b. If the facility is a timber products operation (sector A), indicate which outfalls receive discharges from wet decking areas.

For the Registration Statement form itself, we added three additional sub-items:

- For all facilities, indicate which outfalls (if any) receive discharges from coal storage piles.
- For asphalt paving and roofing materials manufacturers, indicate which outfalls (if any) receive discharges from areas where production of asphalt paving and roofing emulsions occurs.
- For cement manufacturing facilities, indicate which outfalls (if any) receive discharges from material storage piles.

These five sub-items are supposed to assist the staff to determine if effluent limitation monitoring is applicable to the facility. However, this item has also caused confusion with the applicants, and many of them are filling in the five blanks (or putting "NA"), and are not attaching the list identifying their applicable Sectors and associated outfalls.

New Item 11 - Send permit electronically. Added this question asking the applicant if they would like their permit sent to them electronically, and if "Yes", asked them to give us the email address where they want the permit sent. Some applicants have asked if they can receive both a paper copy AND an electronic copy -- they would like the paper copy sent to "corporate", and the electronic copy sent to the facility (they say the paper copy is not getting to the facility, and they would like the electronic copy so the facility has a copy).

The registration forms have been posted on the DEQ external web site on the VPDES "Permits and Fees" page at: <http://www.deq.virginia.gov/vpdes/permitfees.html>, and on the VPDES "Storm Water" page at: <http://www.deq.virginia.gov/vpdes/stormwater.html>. They are also on DEQNet at:

[2009 Industrial Storm Water GP documents](#). For this reissuance we have waived the requirement that the registration statements be submitted at least 180 days prior to the permit's expiration date since the regulation has taken so long to finalize and adopt. The Regional Offices sent out registration packages at the beginning of May to all the existing permit holders. Existing permit holders need to reregister before July 1st, 2009 to avoid a lapse in permit coverage. The transmittal letter that was sent in May is included as Attachment C to this guidance.

The regulation allows late registrations, but it also states that the owner is only authorized for discharges that occur after permit coverage is granted, and that we reserve the right to take appropriate enforcement actions for any unpermitted discharges. For late registrations, it will be a regional decision on when and what enforcement action to take, if any. If no application is received by July 1st, we probably should either phone the facility or send another letter from permitting first prior to initiating enforcement action, since we won't know if they are still operating, and/or don't need a permit now and just let the old one expire. If that effort is unsuccessful, we should then send a Warning Letter and then move to the NOV using our normal enforcement protocol.

Starting with this reissuance, the Department will post all qualified and complete Industrial Storm Water GP Registration Statement packages received to the agency's public web site for a 30-day public review/comment period prior to granting permit coverage. If a facility qualifies for permit coverage based on the "Coverage and Restrictions to Coverage" considerations in Section 3 above, then the complete Registration Statement package (Registration Statement form, SWPPP general location map, SWPPP site map [if included], and the list of sectors and associated outfalls) should be scanned by the Regional Office and sent electronically to OWPCA for posting on the web site. OWPCA will post the registrations and let the region know when the review period is complete, and if any comments were received. Once the review period is complete, and any comments are evaluated, permit coverage can be issued in accordance with Section 5 below. Any comments received should be evaluated as to whether or not they impact the facility's eligibility for coverage under the permit.

Registration Statement Evaluation.

The registration statement package should be reviewed to determine if the application is complete and if the facility qualifies for coverage. Staff should use the Registration Statement Instructions as a guide for the type information required for each item on the Registration Statement form. Specific evaluation guidance for the registration statement is as follows:

- a. Total Maximum Daily Load (TMDL): The Regional Office will need to evaluate whether a TMDL applies to the facility (both new and existing permitted) when a Registration Statement is received. If a TMDL wasteload allocation has been established by the Board and approved by EPA prior to July 1, 2009, the regulation states that coverage may only be provided where the owner develops, implements and maintains a SWPPP that is consistent with the assumptions and requirements of the TMDL. The regulation also states that this requirement only applies where the facility is a source of the TMDL pollutant of concern.

Unless the permittee has already been notified by the Department that a TMDL applies to them, they probably will have no idea that the TMDL even exists, much less that they are impacted by it in any way. Also, unless we have just inspected the facility and reviewed their SWPPP, we

will have no idea whether the permittee has already updated their SWPPP to address the TMDL requirements, or implemented BMPs specifically for the TMDL.

With the new TMDL Special Condition that was added to the permit for this reissuance, we will notify permittees when we issue coverage under the permit that they are subject to the TMDL (and TMDL monitoring if appropriate), and of any TMDL specific requirements that they will have to implement through their SWPPP.

If a TMDL is established by the Board and approved by EPA during the permit term (i.e., after July 1, 2009), the facility does not need to do anything regarding that TMDL until the next permit reissuance.

Facilities that are new dischargers since the TMDL was developed, or facilities that have changed their operations since the TMDL was developed may need to be evaluated in more detail. Facilities may have changed their operations such that an allocation may not have been given in an approved TMDL, or the TMDL may have been developed prior to the facility beginning operations. The permit writer should not accept the fact that there is no allocation in the TMDL at face value, and should determine whether activities at the facility have changed. If the permit writer feels that this is the case, the TMDL coordinator should be contacted to determine the appropriate course of action.

b. Discharges to Impaired Waters Without a TMDL. The Regional Office will need to determine if the facility applying for coverage discharges to an impaired water that does not have a Board established and EPA approved TMDL.

If "Yes" for an **existing permitted facility**, the Regional Office will need to notify the facility that they are subject to monitoring for the pollutant(s) that cause the impairment, and develop and send a DMR (see Section 5 c 2 (Monitoring and DMRs - Impaired Waters Monitoring) below).

If "Yes" for a **new facility**, then the regulation requires them to do the following in order to be granted coverage under the permit:

- (1) The discharger has to prevent all exposure to stormwater of the pollutant(s) for which the waterbody is impaired, and retain documentation of the procedures taken to prevent exposure onsite with the SWPPP; or
- (2) The discharger has to document that the pollutant(s) for which the waterbody is impaired is not present at the site, and retain documentation of this finding with the SWPPP; or
- (3) Prior to submitting a registration statement, the discharger has to provide data to the appropriate DEQ Regional Office to support a showing that the discharge is not expected to cause or contribute to an exceedance of a water quality standard. The discharger has to provide data and other technical information sufficient to demonstrate that the discharge of the pollutant for which the water is impaired will meet in-stream water quality criteria at the point of discharge to the waterbody. It is up to the discharger to provide the data and prove that the discharge will meet the in stream water quality criteria. As such, it is impossible to anticipate exactly what will be submitted for the Region to evaluate in this regard. OWPCA is available to assist the Region with the review and evaluation of discharger submitted data

and technical information. Once the data has been evaluated, the discharges from the facility may be authorized under this permit if the Regional Office determines that the discharges will not contribute to the existing impairment. The discharger has to maintain the supporting data and the Regional Office determination onsite with the SWPPP.

NOTE: A new facility will more than likely NOT know that they are discharging to an impaired waterbody. The Regional Office should notify new applicants of this fact and that they must do one of the three options above before we will grant them coverage under the general permit. The Regional Office will need to verify that the permittee has done one of the three before issuing the permit coverage. This may require either a site visit, or the submittal of the documentation required for options (1) and (2) above.

c. Antidegradation Policy: The regulation states: "If authorization to discharge under this general permit will not comply with the antidegradation requirements, an individual permit application may be required to allow a discharge that meets the requirements for high quality waters in 9 VAC 25-260-30 A 2 [*Tier 2*], or permits may be denied to meet the requirements for exceptional waters in 9 VAC 25-260-30 A 3 [*Tier 3*]."

For Tier 1 waters, the permit Special Condition #8 (Water Quality Protection) requires the permittee to control discharges as necessary to meet applicable water quality standards. That condition also states that: "The Board expects that compliance with the conditions in this permit will control discharges as necessary to meet applicable water quality standards." Therefore, if the permittee is complying with the permit requirements, their discharges are meeting water quality standards and antidegradation requirements for Tier 1 and no further evaluation is necessary.

Facilities discharging to Tier 2 waters are assumed to be in compliance with the Antidegradation Policy since: (a) critical low flow conditions under which a Tier 2 evaluation would be performed would not be expected to coincide with wet weather (intermittent) flow conditions; and (b) DEQ has not adopted wet weather water quality standards to make a definitive policy compliance determination.

For Tier 2 waters, dischargers under this general permit will usually meet antidegradation requirements with no further evaluation necessary. If the sector that applies to the facility has no effluent limitations or benchmark monitoring, or the pollutant of concern is TSS alone, then the discharges are assumed to be meeting antidegradation requirements and no further evaluation is necessary. If the sector that applies to the facility has either effluent limitations or benchmark monitoring, the Regional Office should look at any recent monitoring data to evaluate the potential of the facility's storm water discharges to degrade the high quality waters. If there is no reasonable potential for the discharges to degrade the high quality waters, then the permit coverage can be issued. Note that historical benchmark monitoring data will most likely not be readily available to enable staff to perform a timely evaluation because data collected during the previous permit cycle was not required to be submitted to DEQ.

New or increased discharges to Tier 3 waters under this permit are prohibited.

Deadlines for Submitting Registration Statements.

a. Existing Facilities.

(1) Owners/operators of facilities that were covered under the 2004 Industrial Storm Water General Permit who intend to continue coverage under this general permit have to submit a complete registration statement prior to July 1, 2009.

(2) Owners of facilities previously covered by an expiring individual industrial storm water permit may apply for coverage under this general permit by submitting a complete registration statement at least 30 days prior to the expiration date of the individual permit.

(3) Owners of existing facilities that are not currently covered by a VPDES permit who would like to obtain coverage under this general permit have to submit a complete registration statement.

b. New Facilities. Owners of new facilities who wish to obtain coverage under this general permit shall submit a complete registration statement at least 30 days prior to the commencement of the industrial activity at the facility.

c. New Owners of Existing Facilities. Where the owner of an existing facility that is covered by this permit changes, the new owner of the facility has to submit either a complete registration statement or a "Change of Ownership" form no later than 30 days following the ownership change.

d. Late Notifications. An owner of a storm water discharge associated with industrial activity is not precluded from submitting a registration statement after the applicable dates provided in subdivisions a through c of this subsection. If a late registration statement is submitted, the owner is only authorized for discharges that occur after permit coverage is granted. The Department reserves the right to take appropriate enforcement actions for any unpermitted discharges.

e. Additional Notification for Discharges to Municipal Separate Storm Sewer Systems. Where the discharge of storm water associated with industrial activity is through a municipal separate storm sewer system (MS4), the owner has to notify the operator of the municipal system receiving the discharge and submit a copy of their registration statement to the municipal system operator.

Where Do Registration Statements and Fees Get Submitted?

The original signed "hard copy" Registration Statement should be submitted to the Regional Office that serves the area where the facility is located. For a lateral facility (such as a pipeline), the Registration Statement only needs to be sent to one Regional Office if the pipeline spans more than one region. A copy of the Water Division Permit Application Fee Form and a copy of the applicant's check should accompany the Registration Statement. This is requested for the Regional Office's convenience, and the registration package should not be deemed incomplete if it is not included.

The original Fee Form and the check are to be submitted to Receipts Control at the DEQ Central Office. The instructions tell the applicant to also send along a copy of the Registration Statement form, but this is not done consistently. If they include the registration form it helps DEQ-Finance

identify where the payment goes, especially if the Fee Form information is incorrect, or the wrong fee is submitted by the applicant.

For purposes of ECM/FileNet, DEQ-Finance is the "owner" of the original Fee Forms. Fee Forms/payments are NOT to be scanned into FileNet by the Regional Offices.

At times the Regions might receive original copies of Fee Forms from both DEQ-Finance (attached to the account receipts spreadsheet), and directly from the permittees/applicants (sometimes along with payments). Any payments and original Fee Forms submitted by an applicant should be forwarded to DEQ-Finance using the standard procedures. Since Fee Forms and checks contain personal identification information (i.e., SSNs, FINs, bank account numbers, etc.), staff should send back to DEQ-Finance any original fee forms received, and destroy copies of fee forms/payments once payment verification is established.

The registration fee is \$500 (there is no pro-rating of fees) and must be paid in full at the time the Registration Statement is submitted for permit coverage. There has been a lot of confusion over the correct fee amount to submit, and some permittees have been submitting \$600 to reapply for permit coverage. The changes to the Water Permit Fee Regulation (9 VAC 25-20) that set the Industrial Storm Water GP fee at \$500 went into effect on July 1, 2004. However, for the 2004 reissuance of the permit, the permittees had to reapply for coverage PRIOR TO July 1, 2004, so they were charged the old Fee Regulation storm water GP fee of \$600 to reapply. On July 1, 2004, the fee to apply for the Industrial Storm Water GP went to \$500, and that is what the applicants should be submitting. Unfortunately, until May the Fee Form itself still listed the 2004 reissuance information on the back of the form, and many permittees were confused (this has since been corrected). If the permittee submits \$600 to reapply, they will need to be refunded \$100. Follow the instructions in Guidance Memo 06-2011 to submit a refund request to Central Office. However, send your request to the DEQ Accounts Receivable Accounting Manager (not OWPCA). Accounting will send the request to OWPCA for approval, and then issue the refund.

The Fee Form to be submitted for coverage under the general permit is no longer included among the attachments to this guidance memo. The latest version of the Fee Form is available on DEQNet at this address: [DEQNet Water Permit Fee Form](#), and on DEQ's external web page at this address: <http://www.deq.virginia.gov/vpdes/permitfees.html>.

As of the date of this guidance, the capability of applicants to register for permit coverage on-line still does not exist.

For CEDS and other purposes (such as ECM/FileNet), the date the permit application is deemed complete (APCP) should be based on the date a COMPLETE signed registration statement package (including fee payment) is received.

5. Issuance of the General Permit

Once the complete registration package has been posted on the web site for 30 days, and any comments received have been evaluated (see above), coverage can be issued and the general permit can be sent to the owner/operator.

The MS Word version of the general permit pages, broken down for each of the 29 Industrial Sectors, is located on DEQNet at this address: [2009 Industrial Storm Water GP documents](#).

The general permit is divided into four parts:

- Part I - Effluent Limitations, Monitoring Requirements and Special Conditions.
- Part II - Conditions Applicable to All VPDES Permits.
- Part III - Storm Water Pollution Prevention Plan (SWPPP).
- Part IV - Sector Specific SWPPP Permit Requirements.

All permittees receive permit Parts I, II and III. Part I may need to be modified slightly if the facility has co-located industrial activities occurring on-site that fall within multiple sectors (see below).

The permittee will receive all of the sector specific sections of Part IV that apply to the facility, depending on what industrial activities are occurring on site. These sectors should have been identified by the permittee as part of the registration package. Facilities with co-located industrial activities on-site have to comply with all the applicable effluent limitations, monitoring and pollution prevention plan requirements for all the different Part IV Sectors in which a co-located industrial activity is described.

The cover page (printed on agency letterhead), Part I pages (edited as necessary for co-located industrial activities), Part II and Part III pages, and appropriate Part IV Sector Specific pages (include all that apply for co-located industrial activities) should be assembled with the general permit number for the facility entered in the upper right hand corner of the Part I, II, III and IV pages. Double check the page numbering in the upper right hand corner of each of the permit pages and make adjustments as necessary. No other changes to the language of the general permit are necessary or authorized.

All Industrial Storm Water GP permit numbers begin with VAR05, and are 9 digits long. Existing permittees will retain the same permit number they currently have when they reapply. New permit numbers will continue to be assigned by CEDS. Please remember that the permit number must be added to the permit pages, including the cover page, before the permit is mailed to the permittee.

Attachment D contains example letters to use to transmit the permit and DMRs (if applicable) to the permittee. It is not necessary to copy OWPCA or EPA on individual coverage under a general permit. Also, the transmittal letter for coverage under a general permit does not contain the two paragraphs referencing the owner's right to appeal the decision to cover them under a general permit.

If the permittee must submit DMRs, the transmittal letter should indicate when the DMRs are due and where the DMRs are to be sent. If a TMDL applies to the facility, the transmittal letter must notify the permittee of this, and if there is associated TMDL monitoring, this needs to be spelled out as well. If the facility discharges to an impaired water that does not have a TMDL developed, they will have monitoring for the pollutants of concern, and the transmittal letter must notify the permittee of this.

Monitoring and DMRs

There are three types of monitoring requirements in the permit that may require the permittee to submit a DMR:

- Benchmark Monitoring (also called Analytical Monitoring);
- Compliance Monitoring for Facilities Subject to Effluent Limitations; and
- Impaired Waters Monitoring (including TMDL Monitoring).

a. Benchmark Monitoring

Facilities in certain industrial sectors are required to conduct benchmark monitoring of their industrial activity storm water discharges for specified pollutants of concern. In some cases, the monitoring is applicable only to a sub-sector rather than the entire industrial sector. Co-located industrial activities at a facility that are described in more than one sector have to comply with all the applicable benchmark monitoring requirements from each sector. The permittee should have identified in the Registration Statement the outfalls at the facility and the Industrial Sectors associated with each outfall. DMRs should be prepared for each outfall with the appropriate sector benchmark monitoring parameters for the facility. Example Benchmark Monitoring DMRs for each Sector that has benchmark monitoring requirements are on DEQNet at this link: [2009 Industrial Storm Water GP documents](#). For outfalls that have multiple sector monitoring requirements, duplicate parameters should be listed only once. CEDS has been updated for this reissuance and should correctly print the DMRs for us, including those for outfalls with multiple sectors.

Table 2 lists the industrial sectors or sub-sectors (and the applicable SIC codes) required to perform benchmark monitoring, and the associated monitoring parameters.

TABLE 2. INDUSTRIAL SECTORS SUBJECT TO BENCHMARK MONITORING.		
Industry Sector	Industry Sub-Sector	Benchmark Monitoring Parameters
A	General Sawmills and Planing Mills (SIC 2421)	TSS.
	Wood Preserving Facilities (SIC 2491)	Arsenic, Chromium, Copper.
	Log Storage and Handling (SIC 2411)	TSS.
	Hardwood Dimension and Flooring Mills, and Misc. Timber Product Facilities (SIC 2426, 2429, 2431-2439 (except 2434), 2448, 2449, 2451, 2452, 2493, and 2499)	TSS.
B	Paperboard Mills (SIC 2631)	BOD ₅ .
C	Industrial Inorganic Chemicals (SIC 2812-2819)	Aluminum, Iron, Total N.
	Plastics, Synthetic Resins, etc. (SIC 2821-2824)	Zinc.
	Soaps, Detergents, Cosmetics, Perfumes (2841-2844)	Total N, Zinc.
	Agricultural Chemicals (SIC 2873-2879)	Total N, Iron, Zinc, Phosphorus.
D	Asphalt Paving and Roofing Materials (SIC 2951, 2952)	TSS.
E	Clay Products (SIC 3251-3259, 3261-3269)	Aluminum.
	Lime and Gypsum Products (SIC 3274, 3275)	TSS, pH, Iron.
F	Steel Works, Blast Furnaces, and Rolling and Finishing Mills (SIC 3312-3317)	Aluminum, Zinc.
	Iron and Steel Foundries (SIC 3321-3325)	Aluminum, TSS, Copper, Iron, Zinc.
	Nonferrous Metals Rolling and Drawing (SIC 3351-3357)	Copper, Zinc.
	Nonferrous Foundries (3363-3369)	Copper, Zinc.
G	Active Copper Ore Mining and Dressing (1021)	TSS
	Ore Waste Rock & Overburden Piles (SIC 1011, 1021, 1031, 1041, 1044, 1061, 1081, 1094, 1099)	pH, TSS, Hardness, Nickel, Silver, Zinc, Cadmium, Copper, Arsenic, Lead, Mercury, Iron, Selenium, Beryllium, Antimony, Turbidity
H	Coal Mines and Coal-Mining Related Facilities (SIC 1221-1241)	TSS, Aluminum, Iron

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K	Hazardous Waste Treatment, Storage or Disposal (HZ)	TKN, TSS, TOC, Arsenic, Cadmium, Cyanide, Lead, Mercury, Selenium, Silver.
L	Landfills, Land Application Sites, & Open Dumps (LF)	TSS.
	Landfills, Land Application Sites, & Open Dumps, Except Closed MSWLF Areas (LF)	Iron
M	Automobile Salvage Yards (SIC 5015)	TSS, Aluminum, Iron, Lead.
N	Scrap Recycling and Waste Recycling Facilities (SIC 5093)	Aluminum, Cadmium, Chromium, Copper, Iron, Lead, Zinc, TSS.
	Ship Dismantling, Marine Salvaging and Marine Wrecking (SIC 4499 - Limited to list)	Aluminum, Cadmium, Chromium, Copper, Iron, Lead, Zinc, TSS.
O	Steam Electric Generating Facilities (SE)	Iron.
P	Land Transportation and Warehousing (SIC 4011, 4013, 4111-4173, 4212-4231, 4311, and 5171)	TPH, TSS.
Q	Water Transportation Facilities (SIC 4412-4499)	Aluminum, Iron, Zinc.
R	Ship and Boat Building or Repairing Yards (SIC 3731, 3732)	TSS.
S	Airports (with deicing activities that utilize more than 100 tons of urea or more than 100,000 gallons of glycol per year)	BOD ₅ , TKN, pH, COD, TSS.
U	Dairy Products (SIC 2021-2026)	BOD ₅ , TSS.
	Grain Mill Products (SIC 2041-2048)	TSS, TKN.
	Fats and Oils (SIC 2074-2079)	BOD ₅ , Total N, TSS.
Y	Rubber Products (SIC 3011-3069)	Zinc.
Z	Leather Tanning and Finishing (SIC 3111)	TKN.
AA	Fabricated Metal Products Except Coating (SIC 3411-3471, 3482-3499, 3911-3915)	Iron, Aluminum, Zinc.
	Fabricated Metal Coating and Engraving (SIC 3479)	Zinc.
AD	Non-classified Facilities/Storm Water Discharges Designated By the Board As Requiring Permits	TSS.

Monitoring Periods. Permittees required to conduct benchmark monitoring have to monitor at least once during each of the first two, and potentially all, monitoring periods after the facility is granted coverage under the permit. Depending on the results of two consecutive monitoring periods, benchmark monitoring may not be required to be conducted in subsequent monitoring periods (see the "waivers" section below).

The benchmark monitoring periods are as follows:

- (1) July 1, 2009, to December 31, 2009;
- (2) January 1, 2010, to December 31, 2010;
- (3) January 1, 2011, to December 31, 2011;
- (4) January 1, 2012, to December 31, 2012; and,
- (5) January 1, 2013, to December 31, 2013.

If a facility's permit coverage is effective less than one month from the end of a monitoring period, the facility's first monitoring period starts with the next respective monitoring period (e.g., if permit coverage begins December 5, the permittee will not need to start benchmark sampling until the next January-December monitoring period).

Benchmark Monitoring Waivers. Waivers from benchmark monitoring are available to facilities whose discharges are below benchmark concentration values on an outfall-by-outfall basis (in the previous permit, it was on a parameter-by-parameter basis). The facility can receive a waiver

from benchmark monitoring in subsequent monitoring periods during the term of this permit provided that:

- (1) Samples were collected in two consecutive monitoring periods during this permit cycle (i.e., waivers cannot be taken under consideration prior to the 3rd monitoring period of the 2009 permit cycle), and all the reported benchmark parameter concentrations were below the applicable benchmark concentration values in the permit Part IV sector specific section(s); and
- (2) The facility is not subject to a numeric limitation for that parameter established in Part I A 1 c (the Effluent Limitations section) or Part IV (the Sector Specific Permit Requirements section); and
- (3) A waiver request is submitted to and approved by the Department. The waiver request must be sent to the Regional Office, along with the supporting monitoring data for two consecutive monitoring periods, and a certification that, based on current potential pollutant sources and BMPs used, discharges from the facility are reasonably expected to be essentially the same (or cleaner) compared to when the benchmark monitoring for the two consecutive monitoring periods was done.

The Regional Office should evaluate the waiver request based upon:

- (1) All the benchmark monitoring results below the benchmark concentration values;
- (2) A favorable compliance history (including inspection results); and
- (3) No outstanding enforcement actions.

The Regional Office may revoke the monitoring waive for just cause. If the monitoring waiver is revoked, the permittee must be notified by the Regional Office in writing, and told that the benchmark monitoring requirements are again in force and will remain in effect until the permit's expiration date.

Inactive and Unstaffed Sites. If the permittee is unable to conduct benchmark monitoring at an inactive and unstaffed site, a waiver of the monitoring requirement may be exercised as long as the facility remains inactive and unstaffed, and there are no industrial materials or activities exposed to storm water. If the permittee exercises this waiver, a certification has to be submitted to the Regional Office (and maintained with the SWPPP) stating that the site is inactive and unstaffed, there are no industrial materials or activities exposed to storm water, and that performing benchmark monitoring during a qualifying storm event is not feasible. The waiver also has to be signed and certified in accordance with Part II K.

Representative Outfalls - Essentially Identical Discharges. If the facility has two or more outfalls that discharge substantially identical effluents, based on similarities of the industrial activities, significant materials, size of drainage areas, and storm water management practices occurring within the drainage areas of the outfalls, the permittee may perform benchmark monitoring on the effluent of just one of the outfalls and report that the quantitative data also applies to the substantially identical outfall(s). The permittee has to include the following information in the SWPPP, and in any DMRs that are required to be submitted to the Department:

- (1) The locations of the outfalls;
- (2) Why the outfalls are expected to discharge substantially identical effluents, including evaluation of monitoring data, where available;
- (3) Estimates of the size of the drainage area (in square feet) for each of the outfalls; and
- (4) An estimate of the runoff coefficient of the drainage areas (low: under 40%; medium: 40% to 65%; high: above 65%).

It is not unusual for a facility's assessment of representative outfalls/substantially identical effluents to be very different than DEQ's. The facility's designation does not require formal approval from DEQ. However, if (a) there is disagreement between DEQ and the permittee in making the initial determination; and/or (b) if subsequent information becomes available (such as an inspection) that would support rescinding the designation, the designation is subject to DEQ approval and/or question, and DEQ, as the permitting authority, has the final say.

b. Compliance Monitoring for Facilities Subject to Effluent Limitations

The effluent limitations in the permit are from EPA's storm water effluent limitation guidelines, and are listed in Table 3. There are only seven categories of effluent limitations in the permit, and only certain SIC codes or certain types of discharges are subject to these limitations. Co-located industrial activities at a facility that are described in more than one sector in the permit have to comply on a discharge-by-discharge basis with all applicable effluent limitations from each sector.

The permittee should have identified in the Registration Statement the outfalls at the facility and the Industrial Sectors associated with each outfall. They also should have answered the extra questions in Item # 9, which will assist with the determination if effluent limitations apply at that outfall.

For Hazardous Waste TSD facilities and Landfill facilities, numeric effluent limitations apply to contaminated storm water discharges. For these facilities, contaminated storm water is defined as storm water that comes in direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater. Some specific areas of a landfill that may produce contaminated storm water include, but are not limited to: the open face of an active landfill with exposed waste (no cover added); the areas around wastewater treatment operations; trucks, equipment or machinery that has been in direct contact with the waste; and waste dumping areas.

Note that Coal Pile Runoff effluent limitations could potentially apply to any facility.

DMRs should be prepared for each outfall with the appropriate effluent limitations. Example Effluent Limitation Monitoring DMRs for each Sector that has effluent limitation monitoring requirements are on DEQNet at this link: [2009 Industrial Storm Water GP documents](#).

TABLE 3. NUMERIC EFFLUENT LIMITATIONS		
Industrial Sector	Parameter	Effluent Limitation
Coal Pile Runoff Coal pile runoff at any covered facility (40 CFR Part 423).	TSS	50 mg/L, max
	pH	Within the range of 6.0 - 9.0 s.u.
Sector A - Timber Products	pH	Within the range of 6.0 - 9.0 s.u.

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Wet Decking Discharges at Log Storage and Handling Areas [SIC 2411] (40 CFR Part 429 Subpart I).	Debris (woody material such as bark, twigs, branches, heartwood, or sapwood)	No discharge of debris that will not pass through a 2.54 cm (1") diameter round opening.	
Sector C - Chemical and Allied Products Manufacturing Phosphate Subcategory of the Fertilizer Manufacturing Point Source Category [SIC 2874] (40 CFR 418.10).	Total Phosphorus (as P)	105 mg/L, daily max.	35 mg/L, 30-day ave.
	Fluoride	75 mg/L, daily max.	25 mg/L, 30-day ave.
Sector D - Asphalt Paving and Roofing Materials Discharges from areas where production of asphalt paving and roofing emulsions occurs [SIC 2951 & 2952] (40 CFR Part 443 Subpart A).	TSS	23 mg/L, daily max.	15 mg/L, 30-day ave.
	Oil and Grease	15 mg/L, daily max.	10 mg/L, 30-day ave.
	pH	Within the range of 6.0 - 9.0 s.u.	
Sector E - Glass, Clay, Cement, Concrete and Gypsum Products Cement Manufacturing Facility, Material Storage Run-off (40 CFR Part 411 Subpart C).	TSS	50 mg/L, Daily Maximum	
	pH	Within the range of 6.0 - 9.0 s.u.	
Sector K - Hazardous Waste TSD Facilities Hazardous Waste Treatment, Storage, or Disposal Facilities [Industrial Activity Code "HZ"] - Contaminated storm water discharges (40 CFR Part 445 Subpart A).		Maximum Daily	Max. Monthly Ave.
	BOD ₅	220 mg/L	56 mg/L
	TSS	88 mg/L	27 mg/L
	Ammonia	10 mg/L	4.9 mg/L
	Alpha Terpineol	0.042 mg/L	0.019 mg/L
	Aniline	0.024 mg/L	0.015 mg/L
	Benzoic Acid	0.119 mg/L	0.073 mg/L
	Naphthalene	0.059 mg/L	0.022 mg/L
	p-Cresol	0.024 mg/L	0.015 mg/L
	Phenol	0.048 mg/L	0.029 mg/L
	Pyridine	0.072 mg/L	0.025 mg/L
	Arsenic (Total)	1.1 mg/L	0.54 mg/L
	Chromium (Total)	1.1 mg/L	0.46 mg/L
	Zinc (Total)	0.535 mg/L	0.296 mg/L
	pH	Within the range of 6.0 - 9.0 s.u.	
Sector L - Landfills Landfills [Industrial Activity Code "LF"] - Contaminated storm water discharges (40 CFR Part 445 Subpart B).		Maximum Daily	Max. Monthly Ave.
	BOD ₅	140 mg/L	37 mg/L
	TSS	88 mg/L	27 mg/L
	Ammonia	10 mg/L	4.9 mg/L
	Alpha Terpineol	0.033 mg/L	0.016 mg/L
	Benzoic Acid	0.12 mg/L	0.071 mg/L
	p-Cresol	0.025 mg/L	0.014 mg/L
	Phenol	0.026 mg/L	0.015 mg/L
	Zinc (Total)	0.20 mg/L	0.11 mg/L
	pH	Within the range of 6.0 - 9.0 s.u.	

Monitoring Periods. Permittees required to conduct effluent limitation monitoring have to monitor at least once during each monitoring period after the facility is granted coverage under the permit. No monitoring waivers are allowed for effluent limitation monitoring.

The effluent limitation monitoring periods are as follows:

- (1) July 1, 2009, to December 31, 2009;
- (2) January 1, 2010, to December 31, 2010;
- (3) January 1, 2011, to December 31, 2011;
- (4) January 1, 2012, to December 31, 2012; and,
- (5) January 1, 2013, to December 31, 2013.

If a facility's permit coverage is effective less than one month from the end of a monitoring period, the facility's first monitoring period starts with the next respective monitoring period (e.g., if permit coverage begins December 5, the permittee will not need to start the effluent limitation monitoring until the next January-December monitoring period).

c. Impaired Waters Monitoring

Impaired waters monitoring has been added to the permit for this reissuance. Two types of impaired waters monitoring are included in the permit:

- Facilities discharging to impaired waters with a Board established and EPA approved TMDL wasteload allocation; and
- Facilities discharging to impaired waters without a Board established and EPA approved TMDL wasteload allocation.

(1) Facilities Discharging to Impaired Waters WITH a Board Established and EPA Approved TMDL Wasteload Allocation

New monitoring requirements for facilities subject to TMDL wasteload allocations have been added to ensure that discharges are in compliance with the TMDL allocations. Facilities are only required to monitor if they have been specifically identified in the TMDL and have been assigned a wasteload allocation in the TMDL. If they have been identified in the TMDL, but do not have a wasteload allocation, the facility has to address the TMDL in their SWPPP, but they do not have to monitor.

The Regional Office has to notify facilities in writing that they are subject to the TMDL requirements of the permit. This should be done at the time the permit and DMRs are transmitted to the permittee. If the TMDL has a wasteload allocation assigned to the permittee, they are required to monitor their discharges for the pollutant of concern to evaluate compliance with the TMDL allocation. They should also be notified of this requirement in the permit transmittal letter. A TMDL DMR needs to be prepared and included with the permit package. An example TMDL Monitoring DMR is on DEQNet at this link: [2009 Industrial Storm Water GP documents](#).

TMDL monitoring must be performed at least semiannually (twice per year), and the monitoring periods are from July 1 to December 31, and January 1 to June 30.

If a facility's notification that they are subject to the TMDL monitoring requirements is effective less than one month from the end of a semiannual monitoring period, the facility's first monitoring period starts with the next respective monitoring period (e.g., if notification is given on December 5, the permittee will not need to start TMDL monitoring until the next January 1 to June 30 monitoring period).

TMDL Monitoring Waivers. If the pollutant subject to the TMDL waste load allocation is not detected in any of the samples from the first four monitoring periods (i.e., the first two years of coverage under the permit), the permittee may request in writing to the Regional Office that further sampling be discontinued, unless the TMDL has specific instructions to the contrary (in which case those instructions have to be followed).

If the pollutant subject to the TMDL waste load allocation is detected in any of the samples from the first four monitoring periods, the permittee has to continue the scheduled TMDL monitoring throughout the term of the permit.

(2) Facilities Discharging to Impaired Waters WITHOUT a Board Established and EPA Approved TMDL Wasteload Allocation

New monitoring requirements for facilities discharging to impaired waters without a Board established and EPA approved TMDL wasteload allocation have been added to ensure that the facility is not causing or contributing to the water quality impairment. The Regional Office has to notify facilities in writing that they are subject to the impaired waters monitoring requirements of the permit. This should be done at the time the permit and DMRs are transmitted to the permittee. An Impaired Waters Monitoring DMR needs to be prepared and included with the permit package. An example Impaired Waters Monitoring DMR is on DEQNet at this link: [2009 Industrial Storm Water GP documents](#).

During the term of this general permit, the 303(d) list will probably be updated in 2010, 2012, and 2014. If impaired waterbody segments and/or pollutants of concern are added (or deleted) with subsequent listings, the Regional water permit staff will need to revise the "impaired waters" DMRs accordingly and resend these to the permittees. For new issuances, the latest 303(d) list should be used.

The regulation requires permittees to monitor their discharges for all pollutants for which the waterbody is impaired, and for which a standard analytical method exists, at least once during each of the monitoring periods after the facility is granted coverage under the permit (see additional discussion on this below).

The impaired water monitoring periods are as follows:

- (a) July 1, 2009, to December 31, 2009;
- (b) January 1, 2010, to December 31, 2010;
- (c) January 1, 2011, to December 31, 2011;
- (d) January 1, 2012, to December 31, 2012; and,
- (e) January 1, 2013, to December 31, 2013.

If a facility's permit coverage is effective less than one month from the end of a monitoring period, the facility's first monitoring period starts with the next respective monitoring period (e.g., if permit coverage begins December 5, the permittee will not need to start the impaired water monitoring until the next January-December monitoring period).

If the pollutant for which the waterbody is impaired is suspended solids, turbidity or sediment/sedimentation, the permittee has to monitor for Total Suspended Solids (TSS). If the pollutant for which the waterbody is impaired is expressed in the form of an indicator or

surrogate pollutant, the permittee has to monitor for that indicator or surrogate pollutant. No monitoring is required when a waterbody's biological communities are impaired but no pollutant, including indicator or surrogate pollutants, is specified as causing the impairment, or when a waterbody's impairment is related to hydrologic modifications, impaired hydrology, or temperature.

If the pollutant for which the water is impaired is not present in the discharges from the facility, or it is present but its presence is caused solely by natural background sources, the permittee can include a notification to this effect in the first DMR submitted by the facility, after which the impaired water monitoring may be discontinued. To support a determination that the pollutant's presence is caused solely by natural background sources, the following documentation has to be kept with the SWPPP:

- (a) An explanation of why the permittee believes that the presence of the impairment pollutant in the facility's discharge is not related to the activities at the facility; and
- (b) Data or studies that tie the presence of the impairment pollutant in the facility's discharge to natural background sources in the watershed.

Natural background pollutants include those substances that are naturally occurring in soils or groundwater. Natural background pollutants do not include legacy pollutants from earlier activity at the facility's site, or pollutants in run-on from neighboring sources which are not naturally occurring.

The facility's determination does not require formal approval from DEQ. However, if (a) there is disagreement between DEQ and the permittee in the initial determination; and/or (b) if subsequent information becomes available (such as an inspection or monitoring data) that would support rescinding the determination, the determination is subject to DEQ approval and/or question, and DEQ, as the permitting authority, has the final say.

Due to the more precise methods used to make allocations in bacteria impaired waters, it is anticipated that few industrial facilities will receive an allocation for bacteria. Facilities discharging into a waterbody with a bacteriological impairment do not need to do bacteria monitoring unless the Regional Office believes there is a compelling reason to monitor (e.g., there is an obvious failing drainfield at the facility; there is composting with human or animal wastes; there is land application of industrial wastes containing sewage; there are combined sewers with overflow points; etc.).

For facilities discharging to PCB impaired waters, Guidance Memo No. 09-2001 outlines the procedures that are to be followed for this monitoring. The Regional Office permit writers should not notify permittees or include any PCB monitoring requirements for impacted facilities until the TMDL staff begin the data acquisition phase and develop the monitoring plan for a particular segment. At that time they will notify us as to when the monitoring should begin.

For benthic and DO impairments, the Regional Office permit writers should also not notify permittees or include any benthic/DO monitoring requirements for impacted facilities until the TMDL staff begin the data acquisition phase and develop the monitoring plan for a particular segment. At that time they will notify us as to when the monitoring should begin.

6. Corrective Actions Required By The Permit

A new requirement has been added to the permit for corrective actions the permittee must take if benchmark monitoring concentration values are exceeded, if inspections turn up a deficiency at the facility, or if there is an exceedance of effluent limitations, TMDL waste load allocations, or a water quality standard. The corrective action section stipulates time limits for implementing actions to remedy deficiencies. It should be emphasized that these time frames are not grace periods within which an operator is relieved of any liability for a permit violation. If the original inadequacy constitutes a permit violation, then that violation is not deferred by the time frame the permit has allotted for corrective action. The time limits are those that DEQ considers reasonable for making the necessary repairs or modifications, and are included specifically so that inadequacies are not allowed to persist indefinitely. Failure to take the necessary corrective action within the stipulated time limit could constitute an additional and independent permit violation.

- a. Data Exceeding Benchmarks Concentration Values. If benchmark monitoring results exceed the benchmark concentration value for a parameter, the permittee must review the SWPPP and modify it to address any deficiencies which caused the exceedance. The permittee has to make revisions to the SWPPP within 30 days after an exceedance is discovered, and when BMPs need to be modified or added, the permittee has to implement the changes before the next anticipated storm event if possible, but no later than 60 days after the exceedance is discovered.

If the concentration of a pollutant exceeds a benchmark concentration value, and the permittee determines that exceedance of the benchmark is attributable solely to the presence of that pollutant in the natural background, corrective action is not required provided that:

- (1) The concentration of the benchmark monitoring result is less than or equal to the concentration of that pollutant in the natural background;
- (2) The permittee documents and maintains with the SWPPP the supporting rationale for concluding that benchmark exceedances are in fact attributable solely to natural background pollutant levels. The supporting rationale has to include any data previously collected by the facility or others (including literature studies) that describe the levels of natural background pollutants in the facility's storm water discharges; and
- (3) The permittee notifies the Department on the benchmark monitoring DMR that the benchmark exceedances are attributable solely to natural background pollutant levels.

Natural background pollutants include those substances that are naturally occurring in soils or groundwater. Natural background pollutants do not include legacy pollutants from earlier activity on the facility's site, or pollutants in run-on from neighboring sources which are not naturally occurring.

The facility's determination does not require formal approval from DEQ. However, if (a) there is disagreement between DEQ and the permittee in the initial determination; and/or (b) if subsequent information becomes available (such as an inspection or monitoring data) that would support rescinding the determination, the determination is subject to DEQ approval and/or question, and DEQ, as the permitting authority, has the final say.

b. Corrective Actions. The permittee has to take corrective action whenever:

- (1) Routine facility inspections, comprehensive site compliance evaluations, inspections by local, state or federal officials, or any other process, observation or event result in discovery of any deficiency; or
- (2) There is an exceedance of any effluent limitation (including coal pile runoff), TMDL wasteload allocation, or water quality standard.

The permittee has to review the SWPPP and modify it as necessary to address any deficiencies. Revisions to the SWPPP have to be completed within 30 days following the discovery of the deficiency. When BMPs need to be modified or added, implementation has to be completed before the next anticipated storm event if possible, but no later than 60 days after the deficiency is discovered. All corrective actions taken also have to be documented and retained with the SWPPP.

c. Follow-up Monitoring and Reporting. If at any time monitoring results indicate that discharges from the facility exceed an effluent limitation or a TMDL wasteload allocation, or that discharges from the facility are causing or contributing to an exceedance of a water quality standard, the permittee has to take immediate steps to eliminate the exceedances. Within 30 calendar days of implementing the relevant corrective actions, or during the next qualifying runoff event, if one doesn't occur within 30 calendar days, follow-up monitoring must be performed to verify that the BMPs that were modified are effectively protecting water quality. The follow-up monitoring data must be submitted to DEQ no later than 30 days after the results are received. If the follow-up monitoring value does not exceed the effluent limitation or other relevant standard, no additional follow-up monitoring is required for this monitoring event. Should the follow-up monitoring indicate that the effluent limitation, TMDL wasteload allocation, water quality standard or other relevant standard is still being exceeded, the permittee must submit an Exceedance Report to DEQ no later than 30 days after the follow-up monitoring results are received. Additional follow-up monitoring must be continued at an appropriate frequency, but no less often than quarterly, until the discharge no longer exceeds the standard.

7. Termination of Coverage and Change of Ownership

An owner may terminate coverage under this general permit by filing a complete notice of termination. The notice of termination may be filed after one or more of the following conditions have been met:

- a. Operations have ceased at the facility and there are no longer discharges of storm water associated with industrial activity from the facility;
- b. A new owner has assumed responsibility for the facility (NOTE: A notice of termination does not have to be submitted if a VPDES Change of Ownership Agreement form has been submitted); or
- c. All storm water discharges associated with industrial activity have been covered by an individual VPDES permit.

The information that is required to be submitted is contained in the regulation in Section 9 VAC 25-151-65 (Termination of Permit Coverage). The applicant is NOT required to use our Notice of

Termination form to terminate coverage under the general permit. However, they must submit all the information required for termination listed in the regulation, including the certification. The Notice of Termination form and its instructions are included with this guidance as Attachment B. If an owner requests termination of coverage under the general permit the regional office can terminate coverage under regional letterhead.

If there is a request for change of ownership, then the new owner assumes the coverage under the general permit. The new owner must submit either a new Registration Statement or a VPDES Change of Ownership Agreement form no later than 30 days following the ownership change -- see 9 VAC 25-151-60 B 3 (Registration Statement and SWPPP). NOTE: This is different than the permit Part II Y (Conditions Applicable to All VPDES Permits - Transfer of Permits) section, and takes precedence over that section. However, since the change of ownership information in 9 VAC 25-151-60 B 3 is not in the permit itself, owners may use either procedure to comply with the requirements. Any change of status should be noted in CEDS.

If the new owner submits a VPDES Change of Ownership Agreement form, the existing permit number would not change. If the new owner submits a Registration Statement instead of a VPDES Change of Ownership Agreement form, and the old owner submits a Notice of Termination or documentation to support terminating the old permit, then the existing permit number would also not have to change. However, if the new owner submits a Registration Statement instead of a VPDES Change of Ownership Agreement form, and the Region has not received a Notice of Termination or documentation from the previous owner to support terminating the old permit, then a new permit number should be assigned. We could potentially have two separate permits in effect for the same site until such time as either the old owner submits a Notice of Termination, or the Region inspects the facility and discovers the duplication. Either way, the old permit should be terminated in CEDS at that time.

8. Compliance Reporting

DMRs are due to the Regional Office on the following schedule:

TABLE 4. MONITORING REPORTING REQUIREMENTS.	
Monitoring for Numeric Effluent Limitations	For monitoring results that do not exceed the effluent limitations, submit the results on a DMR by January 10. For monitoring results that exceed the effluent limitations, submit the results on a DMR by January 10, or no later than 30 days after the results are received by the facility, whichever date is earlier.
Semiannual Monitoring for TMDL Wasteload Allocations	For monitoring results that do not exceed the TMDL wasteload allocation, submit the results on a DMR by January 10 and by July 10. For monitoring results that exceed the TMDL wasteload allocation, submit the results on a DMR by January 10 or July 10, or no later than 30 days after the results are received by the facility, whichever date is earlier.
Monitoring for Facilities Discharging to an Impaired Water Without an Approved TMDL Wasteload Allocation.	Submit results on a DMR by January 10.
Benchmark Monitoring	Submit results on a DMR by January 10.
Annual Monitoring for Metal Mining Facilities (see Part IV, Sector G)	Submit results to the department by January 10.
Corrective Actions Follow-up Monitoring	Submit results on a DMR no later than 30 days after the results are received.

Tracking of compliance with the effluent limits and other requirements of the permit should be done according to the Compliance Auditing System already established. Reporting requirements for noncompliance, unusual or extraordinary discharges, etc. are the same as for individual permits.

Additional Reporting. Permittees with at least one industrial activity storm water discharge through an MS4 must submit signed copies of their DMRs to the MS4 operator at the same time that they submit them to DEQ.

Significant Digits. The permittee has to report at least the same number of significant digits as a numeric effluent limitation or TMDL wasteload allocation for a given parameter; otherwise, at least two significant digits have to be reported for a given parameter. Regardless of the rounding convention used by the permittee (i.e., five always rounding up or to the nearest even number), the permittee has to use the convention consistently and must ensure that consulting laboratories employed by him use the same convention.

9. Inspection of Facility Covered

Facilities covered under this general permit are subject to the requirements for the industrial minor/small category of facilities as set forth in DEQ's inspection strategy. As such, they should be inspected at least once every five years. More frequent inspections can help prevent compliance problems and each regional office should consider more frequent inspections as time and resources allow.

The inspections should verify that the SWPPP has been developed and implemented, and that corrections, updates and record keeping are being done. Also verify that the facility is performing quarterly visual examinations, routine facility inspections, the annual site compliance evaluations, and chemical monitoring (if applicable). Also verify that the permittee is properly operating and maintaining the facility's storm water BMPs, and verify the discharge points, either to MS4s or directly to surface waters. If corrective actions are warranted, verify that the permittee is complying with the requirements and the time schedules. Take pictures whenever possible if concerns are noted.

As part of the Annual Site Compliance Evaluation, the facility is required to evaluate all of their outfalls for unauthorized discharges. The permittee may request in writing to the Department that they be allowed to conduct annual outfall evaluations at 20% of the outfalls. If approved by the Regional Office, the permittee has to evaluate at least 20% of the facility outfalls each year on a rotating basis such that all facility outfalls will be evaluated during the period of coverage under the permit.

10. Record Keeping and Audit

Tracking of coverage under this general permit will be in CEDS. CEDS has been modified to bring it up to date with this reissuance of the permit. It is important that CEDS is kept updated with relevant information pertaining to the general permit, and this information is subject to audit. Database information must include, but is not limited to, facilities registered under the permit, permittees, contact information, outfalls and associated sectors/SIC codes.

The file of record must be maintained in the DEQ FileNet system. Electronic files that must be retained and are subject to audit include, but are not limited to, the following:

- a. A copy of the Registration Statement, and all information required to be included with the registration package;
- b. A copy of the general permit and DMR(s) sent to the permittee;
- c. Correspondence documents;
- d. Discharge Monitoring Reports; and
- e. Copies of all inspection reports related to the facility.

11. Monitoring Data Review at Reissuance

All monitoring data collected during the permit term will be evaluated prior to the next round of general permit reissuance. The regional office should ensure that all relevant monitoring records are maintained and data entered into CEDS. The DMR data will be presented to the next Technical Advisory Committee for discussion and consideration of possible permit changes.

12. General Permit Special Conditions Guidance

SC 1. Allowable Non-Storm Water Discharges. We added a list of the specific non-storm water discharges from the permit Part IV sector sections that are not authorized by the permit. This was a suggestion from the TAC. It doesn't change anything, but lets the permittee see all of these in one place.

SC 6. Salt Storage Piles or Piles Containing Salt. Due to concerns by the TAC over the water quality impacts of salt storage piles on the receiving streams and possibly ground water, this special condition was modified for the permit reissuance to include the following requirement:

"The permittee shall implement appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile. All salt storage piles shall be located on an impervious surface. All runoff from the pile, and/or runoff that comes in contact with salt, including under drain systems, shall be collected and contained within a bermed basin lined with concrete or other impermeable materials., or within an underground storage tank(s), or within an above ground storage tank(s), or disposed of through a sanitary sewer (with the permission of the treatment facility). A combination of any or all of these methods may be used. In no case shall salt contaminated storm water be allowed to discharge directly to the ground or to state waters."

SC 7. Discharges to Waters Subject to TMDL Wasteload Allocations. In the previous regulation, we had a subsection in the "Authorization to Discharge - Limitations on Coverage" section that discussed dischargers to TMDL waters, and what they had to do to be allowed to be covered under the permit. However, we had no corresponding special condition in the permit itself. For this reissuance we have added a special condition requiring TMDL listed facilities to modify their SWPPP to address TMDL requirements, and to monitor for the pollutant of concern if they were given a WLA in the TMDL. This only applies to TMDLs that were Board established and EPA approved prior to July 1st, 2009. When the permit coverage letter is sent, the Regional Office has to include notification to the owner that the facility is subject to the TMDL requirements. The facility's SWPPP has to specifically address any conditions or requirements included in the TMDL that are applicable to discharges from the facility. The Regional Office will have to let the permittee know if there are any such conditions or

requirements. If the TMDL establishes a specific numeric wasteload allocation that applies to discharges from the facility, the owner has to monitor and implement BMPs designed to meet that allocation. The Regional Office has to inform the permittee of these requirements as well.

SC 8. Water Quality Protection. This special condition was modified to conform more closely with EPA's final 2008 MSGP water quality section wording, and to address comments during the public comment period.

SC 9. Adding/Deleting Storm Water Outfalls. This special condition was added to allow the permittee to add new and/or delete existing outfalls at the facility as necessary during the term of the permit. Previously, there was no provision for this, and there was confusion by both the permittee and regional staff on how this should be handled. With this change, the permittee has to update his SWPPP and notify the Regional Office of all outfall changes within 30 days of the change. The permittee also has to submit a copy of the updated SWPPP site map with their notification. The permit writer will need to update CEDS with the changes, and for new outfalls, will need to send a copy of the new DMR to the permittee.

SC 10. Antidegradation Requirements for New or Increased Discharges to High Quality Waters. This special condition was added to be consistent with a similar requirement in EPA's final 2008 MSGP. The special condition discusses how new or expanded discharges from a facility may be subject to additional SWPPP control measures, or the facility may be required apply for an individual permit in order to meet the applicable antidegradation requirements. If a facility is discharging to high quality waters and adds outfalls, or increases their discharges from existing outfalls, the Regional Office will need to evaluate whether additional SWPPP controls are needed by the permittee, or alternatively, whether the permittee should be required to get an individual permit with tailored controls to meet the antidegradation requirements.

Attachments:

- A. Registration Statement Form and Instructions
- B. Notice of Termination Form
- C. Example Registration Statement Transmittal Letter
- D. Example Transmittal Letters for General Permit Issuance
 - 1. Standard Issuance/Reissuance (No TMDL, No Impaired Waters)
 - 2. Issuance/Reissuance - Facilities Discharging to Impaired Waters With a TMDL That Specifically Identifies the Facility
 - 3. Issuance/Reissuance - Facilities Discharging to Impaired Waters Without an Established/Approved TMDL

ATTACHMENT A

Registration Statement and Instructions

**VPDES General Permit Registration Statement
Industrial Activity Storm Water Discharges (VAR05)**

(Please Type or Print All Information)

1a. Property Owner of the Facility Site

Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____ Phone: _____

E-Mail Address (where available): _____

1b. Operator Applying For Permit Coverage (if different than "1a")

Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____ Phone: _____

E-Mail Address (where available): _____

1c. Responsible Party Requesting Permit Coverage, and Who Will Be Legally Responsible For Compliance With This Permit (if different than "1a")

Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____ Phone: _____

E-Mail Address (where available): _____

2. Facility Information

Facility Name: _____

Address: _____

City: _____ State: _____ Zip: _____

County Name: _____

Contact Name: _____ Phone: _____

E-Mail Address (where available): _____

3. Facility Ownership Status: Federal ☐ State ☐ Public ☐ Private ☐ (Check one only)

4. Name(s) of the receiving water(s) that storm water is discharged into: _____

5. If the discharge is through a municipal separate storm sewer system (MS4), the name of the municipal operator of the storm sewer: _____

Additional notification for discharges to MS4s. If the facility's storm water discharges are through an MS4, the owner must notify the operator of the municipal system receiving the discharge, and submit a copy of their registration statement to the municipal system operator.

6. VPDES Permit Numbers for all permits assigned to the facility: _____

7. **Attach a copy of the general location map from the SWPPP and the site map from the SWPPP.**
8. **Identify up to four 4-digit Standard Industrial Classification (SIC) Codes or 2-letter Industrial Activity Codes that best represent the principal products or services rendered by the facility and major co-located activities.**

4-Digit SIC Codes or 2-letter Industrial Activity Codes: _____

(The 2-letter Industrial Activity Codes are: **HZ** - hazardous waste treatment, storage, or disposal facilities; **LF** - landfills/disposal facilities that receive or have received any industrial wastes; **SE** - steam electric power generating facilities; or, **TW** - treatment works treating domestic sewage)

9. **Attach a list identifying all applicable industrial sectors (see instructions) that cover the discharges associated with industrial activity from the facility and from major co-located industrial activities that will be covered under this permit. Also identify the storm water outfalls associated with each identified sector.**

- For landfills, indicate the type of landfill: _____
- For timber products operations, indicate which outfalls (if any) receive discharges from wet decking areas:

- For all facilities, indicate which outfalls (if any) receive discharges from coal storage piles:

- For asphalt paving and roofing materials manufacturers, indicate which outfalls (if any) receive discharges from areas where production of asphalt paving and roofing emulsions occurs:

- For cement manufacturing facilities, indicate which outfalls (if any) receive discharges from material storage piles:

10. **Certification:** "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

Print Name _____ Title: _____

Signature: _____ Date: _____

11. **Would you like your permit sent to you electronically?** Yes ☐ No ☐

If "Yes", please list the email address to send it to:

For Department of Environmental Quality Use Only

Accepted/Not Accepted by: _____ Date: _____

Basin _____ Stream Class _____ Section _____ Special Standards _____

Antidegradation Checked? Yes ☐ No ☐ Is The Discharge to Impaired Waters? Yes ☐ No ☐

Has a TMDL been established? Yes ☐ No ☐ N/A ☐ Is the TMDL EPA approved? Yes ☐ No ☐ N/A ☐

REGISTRATION STATEMENT INSTRUCTIONS for DEQ WATER FORM *SWGP-VAR05-RS* VPDES General Permit for Industrial Activity Storm Water Discharges (VAR05)

WHO MUST FILE THE REGISTRATION STATEMENT

The owner of any new or existing facility that has discharges of storm water associated with industrial activity through a point source to surface waters, or through a municipal or non-municipal separate storm sewer system (MS4) to surface waters, may request coverage under the VPDES Industrial Storm Water General Permit (VAR05) by completing and submitting this Registration Statement. (See the table on page 3 of these instructions for a list of the specific industrial activity sectors eligible for coverage under the VPDES Industrial Storm Water General Permit - VAR05)

WHERE TO FILE THE REGISTRATION STATEMENT

Submit the completed Registration Statement with original signature, along with a copy of the Permit Application Fee Form, and a copy of your check to the DEQ Regional Office that serves the area where your facility is located. The original Permit Application Fee Form and your check for \$500 (made payable to "Treasurer of Virginia") should be sent to DEQ Receipts Control, P.O. Box 1104, Richmond, VA 23218. Regional Office addresses can be obtained from our website at www.deq.virginia.gov/regions, or by calling the DEQ at (804) 698-4000.

COMPLETENESS

In order for your application to be deemed complete and permit processing to continue, all items must be completed, or "NA" entered if the item is not applicable. If you need more space than the form allows, attach extra sheets of paper with the required information.

STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

Owners of facilities that were covered under the 2004 Industrial Storm Water General Permit who are reapplying for coverage under this general permit must review and update their SWPPP to meet all new general SWPPP and sector-specific SWPPP requirements of the general permit (see 9 VAC 25-151-70 et seq.) by October 1, 2009.

Owners of new facilities, facilities previously covered by an expiring individual permit, and existing facilities not currently covered by a VPDES permit who are applying for coverage under this general permit must prepare and implement a written SWPPP for the facility in accordance with the general permit requirements (see 9 VAC 25-151-70 et seq.) prior to submitting the Registration Statement.

ANTIDegradation REQUIREMENTS

Coverage under this general permit will not be granted unless the facility's storm water discharges comply with Virginia's Antidegradation Policy for Water Quality Standards under 9 VAC 25-260-30. If the facility's discharges will not comply with the antidegradation requirements, an individual permit application may be required to allow a discharge that meets the requirements for High Quality Waters (see 9 VAC 25-260-30 A 2), or a permit may be denied to meet the requirements for Exceptional Waters (see 9 VAC 25-260-30 A 3). The Department will notify the applicant if authorization to discharge under this general permit will not comply with the antidegradation requirements.

PUBLIC REVIEW PERIOD

All complete Registration Statements will be posted to DEQ's web page (www.deq.virginia.gov/vpdes/publicnotices) for a 30-day public review prior to the Department issuing permit coverage for a facility.

SECTION-BY-SECTION INSTRUCTIONS

Section 1 Owner/Operator/Responsible Party Information

Give the legal name of the person, firm, public organization, or other entity that owns the facility site described in this registration statement. The name of the owner may or may not be the same as the name of the facility operator. The operator is the legal entity that controls the facility's operation. Do not use a colloquial name. Enter the complete address, phone number, and email address (if available) of the owner, the operator, and the responsible party.

Section 2 Facility Information

Enter the facility's or site's official name and complete street address, including city, state and ZIP code. Also include a contact name, phone number, and email address (if available).

Section 3 Facility Ownership Status

Indicate the appropriate status type of the owner of the facility.

Section 4 Name of the Receiving Waters

Enter the name of the receiving water(s) for the facility's storm water discharges (e.g., Clear Creek, unnamed tributary to Clear Creek, etc.).

Section 5 Additional Discharge Information

If the facility discharges storm water to a municipal separate storm sewer system (MS4), enter the name of the operator of the MS4 (e.g., municipality name, county name, VDOT, etc.). An MS4 is a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by the state (e.g., VDOT), city, town, county, district, association, or other public body, which is designed or used for collecting or conveying storm water.

Additional notification for discharges to MS4s. If the facility's storm water discharges are through an MS4, the owner must notify the operator of the municipal system receiving the discharge, and submit a copy of their registration statement to the municipal system operator.

Section 6 Existing VPDES Permits

List the permit numbers of all existing VPDES permits issued to the facility or site identified in Section 2.

Section 7 General Location Map and SWPPP Site Map

Attach a copy of the SWPPP general location map.

Owners of facilities that were covered under the 2004 Industrial Storm Water General Permit who are reapplying for coverage under this general permit must submit a copy of their SWPPP site map (updated to meet all new permit requirements - see 9 VAC 25-151-70 et seq.) to the DEQ Regional Office by October 1, 2009.

Owners of new facilities, facilities previously covered by an expiring individual permit, and existing facilities not currently covered by a VPDES permit who are applying for coverage under this general permit must include a copy of their SWPPP site map with the Registration Statement.

Section 8 Facility SIC Codes

Identify up to four 4-digit Standard Industrial Classification (SIC) codes or 2-letter Industrial Activity Codes that best represent the principal products or services rendered by the facility and major co-located industrial activities. The 2-letter Industrial Activity Codes are: HZ - hazardous waste treatment, storage, or disposal facilities; LF - landfills/disposal facilities that receive or have received any "industrial activity" wastes; SE - steam electric power generating facilities; or, TW - treatment works treating domestic sewage

Section 9 Applicable Industrial Sectors

Attach a list identifying all applicable industrial sectors that cover the discharges associated with industrial activity from the facility and from major co-located industrial activities that will be covered under this permit. Also identify the storm water outfalls associated with each identified sector. The industrial sectors are listed in Table 1 (see instructions p. 3).

Section 10 Signature and Certification

State statutes provide for severe penalties for submitting false information on this Registration Statement. State regulations require this Registration Statement to be signed as follows:

- For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (1) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (2) the manager of one or more manufacturing, production, or operating facilities provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures; **[Note: if the title of the individual signing this form is "Plant Manager", submit a written verification that the authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures];**
- For a partnership or sole proprietorship: by a general partner or the proprietor; or
- For a municipality, state, Federal, or other public facility: by either a principal executive officer or ranking elected official.

Section 11 If you would you like your permit sent to you electronically, check the box and list the email address where you would like the permit sent.

TABLE 1. SECTORS OF INDUSTRIAL ACTIVITY COVERED BY VAR05

SIC Code or Activity Code	Activity Represented
Sector A: Timber Products	
2411	Log Storage and Handling (Wet deck storage areas are only authorized if no chemical additives are used in the spray water or applied to the logs).
2421	General Sawmills and Planning Mills.
2426	Hardwood Dimension and Flooring Mills.
2429	Special Product Sawmills, Not Elsewhere Classified.
2431-2439 (except 2434 - see Sector W)	Millwork, Veneer, Plywood, and Structural Wood.
2441, 2448, 2449	Wood Containers.
2451, 2452	Wood Buildings and Mobile Homes.
2491	Wood Preserving.
2493	Reconstituted Wood Products.
2499	Wood Products, Not Elsewhere Classified.
Sector B: Paper and Allied Products	
2611	Pulp Mills.
2621	Paper Mills.
2631	Paperboard Mills.
2652-2657	Paperboard Containers and Boxes.
2671-2679	Converted Paper and Paperboard Products, Except Containers and Boxes.
Sector C: Chemical and Allied Products	
2812-2819	Industrial Inorganic Chemicals.
2821-2824	Plastics Materials and Synthetic Resins, Synthetic Rubber, Cellulosic and Other Manmade Fibers Except Glass.
2833-2836	Medicinal Chemicals and Botanical Products; Pharmaceutical Preparations; In Vitro and In Vivo Diagnostic Substances; Biological Products, Except Diagnostic Substances.
2841-2844	Soaps, Detergents, & Cleaning Preparations; Perfumes, Cosmetics, & Other Toilet Preparations.
2851	Paints, Varnishes, Lacquers, Enamels, and Allied Products.
2861-2869	Industrial Organic Chemicals.
2873-2879	Agricultural Chemicals.
2891-2899	Miscellaneous Chemical Products.
3952 (limited to list)	Inks and Paints, Including China Painting Enamels, India Ink, Drawing Ink, Platinum Paints for Burnt Wood or Leather Work, Paints for China Painting, Artist's Paints and Artist's Watercolors.
Sector D: Asphalt Paving and Roofing Materials and Lubricants	
2951, 2952	Asphalt Paving and Roofing Materials.
2992, 2999	Miscellaneous Products of Petroleum and Coal.
Sector E: Glass Clay, Cement, Concrete, and Gypsum Products	
3211	Flat Glass.
3221, 3229	Glass and Glassware, Pressed or Blown.
3231	Glass Products Made of Purchased Glass.
3241	Hydraulic Cement.
3251-3259	Structural Clay Products.
3261-3269	Pottery and Related Products.
3271-3275 (except 3273)	Concrete, Gypsum and Plaster Products, Except Ready-mixed Concrete Facilities.
3281	Cut Stone and Stone Products
3291-3299	Abrasive, Asbestos, and Miscellaneous Non-metallic Mineral Products.
Sector F: Primary Metals	
3312-3317	Steel Works, Blast Furnaces, and Rolling and Finishing Mills.
3321-3325	Iron and Steel Foundries.
3331-3339	Primary Smelting and Refining of Non-ferrous Metals.
3341	Secondary Smelting and Refining of Non-ferrous Metals.
3351-3357	Rolling, Drawing, and Extruding of Non-ferrous Metals.
3363-3369	Non-ferrous Foundries (Castings).
3398, 3399	Miscellaneous Primary Metal Products.
Sector G: Metal Mining (Ore Mining and Dressing)	
1011	Iron Ores.
1021	Copper Ores.
1031	Lead and Zinc Ores.
1041, 1044	Gold and Silver Ores.
1061	Ferroalloy Ores, Except Vanadium.
1081	Metal Mining Services.
1094, 1099	Miscellaneous Metal Ores.
Sector H: Coal Mines and Coal Mining Related Facilities	
1221-1241	Coal Mines and Coal Mining-Related Facilities.
Sector I: Oil and Gas Extraction and Refining	
1311	Crude Petroleum and Natural Gas.
1321	Natural Gas Liquids.
1381-1389	Oil and Gas Field Services.
2911	Petroleum Refineries.
Sector K: Hazardous Waste Treatment, Storage, or Disposal Facilities	
HZ	Hazardous Waste Treatment Storage or Disposal.

Sector L: Landfills and Land Application Sites	
LF	Landfills, Land Application Sites, and Open Dumps.
Sector M: Automobile Salvage Yards	
5015	Automobile Salvage Yards.
Sector N: Scrap Recycling Facilities	
5093	Scrap Recycling Facilities.
4499 (limited to list)	Dismantling Ships, Marine Salvaging, and Marine Wrecking - Ships For Scrap
Sector O: Steam Electric Generating Facilities	
SE	Steam Electric Generating Facilities.
Sector P: Land Transportation and Warehousing	
4011, 4013	Railroad Transportation.
4111-4173	Local and Highway Passenger Transportation.
4212-4231	Motor Freight Transportation and Warehousing.
4311	United States Postal Service.
5171	Petroleum Bulk Stations and Terminals.
Sector Q: Water Transportation	
4412-4499 (except 4499 facilities in Sector N)	Water Transportation.
Sector R: Ship and Boat Building or Repairing Yards	
3731,3732	Ship and Boat Building or Repairing Yards.
Sector S: Air Transportation	
4512-4581	Air Transportation Facilities.
Sector T: Treatment Works	
TW	Treatment Works.
Sector U: Food and Kindred Products	
2011-2015	Meat Products.
2021-2026	Dairy Products.
2032-2038	Canned, Frozen and Preserved Fruits, Vegetables and Food Specialties.
2041-2048	Grain Mill Products.
2051-2053	Bakery Products.
2061-2068	Sugar and Confectionery Products.
2074-2079	Fats and Oils.
2082-2087	Beverages.
2091-2099	Miscellaneous Food Preparations and Kindred Products.
2111-2141	Tobacco Products.
Sector V: Textile Mills, Apparel, and Other Fabric Product Manufacturing, Leather and Leather Products	
2211-2299	Textile Mill Products.
2311-2399	Apparel and Other Finished Products Made From Fabrics and Similar Materials.
3131-3199 (except 3111 - see Sector Z)	Leather and Leather Products, except Leather Tanning and Finishing.
Sector W: Furniture and Fixtures	
2434	Wood Kitchen Cabinets.
2511-2599	Furniture and Fixtures.
Sector X: Printing and Publishing	
2711-2796	Printing, Publishing, and Allied Industries.
Sector Y: Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries.	
3011	Tires and Inner Tubes.
3021	Rubber and Plastics Footwear.
3052, 3053	Gaskets, Packing, and Sealing Devices and Rubber and Plastics Hose and Belting.
3061, 3069	Fabricated Rubber Products, Not Elsewhere Classified.
3081-3089	Miscellaneous Plastics Products.
3931	Musical Instruments.
3942-3949	Dolls, Toys, Games and Sporting and Athletic Goods.
3951-3955 (except 3952 facilities in Sector C) .	Pens, Pencils, and Other Artists' Materials.
3961, 3965	Costume Jewelry, Costume Novelties, Buttons, and Miscellaneous Notions, Except Precious Metal.
3991-3999	Miscellaneous Manufacturing Industries.
Sector Z: Leather Tanning and Finishing	
3111	Leather Tanning, Currying and Finishing.
Sector AA: Fabricated Metal Products	
3411-3499	Fabricated Metal Products, Except Machinery and Transportation Equipment.
3911-3915	Jewelry, Silverware, and Plated Ware
Sector AB: Transportation Equipment, Industrial or Commercial Machinery	
3511-3599 (except 3571-3579 - see Sector AC)	Industrial and Commercial Machinery (Except Computer and Office Equipment).
3711-3799 (except 3731, 3732 - see Sector R)	Transportation Equipment (Except Ship and Boat Building and Repairing).
Sector AC: Electronic, Electrical, Photographic, and Optical Goods	
3571-3579	Computer and Office Equipment.
3612-3699	Electronic, Electrical Equipment and Components, Except Computer Equipment.
3812-3873	Measuring, Analyzing and Controlling Instrument; Photographic and Optical Goods.
Sector AD: Non-Classified Facilities/Storm Water Discharges Designated By the Board As Requiring Permits	
N/A	Other Storm Water Discharges Designated By the Board As Needing a Permit (see 9 VAC 25-31-120 A 1 e) or Any Facility Discharging Storm Water Associated With Industrial Activity Not Described By Any of Sectors A-AC. Note: Facilities may not elect to be covered under Sector AD. Only the Director may assign a facility to Sector AD.

ATTACHMENT B
Notice of Termination

**VPDES General Permit Notice Of Termination -
Industrial Activity Storm Water Discharges (VAR05)**

(Please Type or Print All Information)

1. Owner Information

Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____ Phone: _____

2. Facility Information

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

3. VPDES Storm Water General Permit Number: _____

4. Check the appropriate box indicating the reason for terminating coverage under the general permit.

- ☐ A new owner has assumed responsibility for the facility.
- ☐ Operations have ceased at the facility and there are no longer discharges of storm water associated with industrial activity from the facility.
- ☐ All storm water discharges associated with industrial activity have been covered by an individual VPDES permit.
- ☐ Other (specify) _____

5. Certification:

"I certify under penalty of law that all storm water discharges associated with industrial activity from the identified facility that are authorized by this VPDES general permit have been eliminated, or covered under a VPDES individual permit, or that I am no longer the owner of the industrial activity, or permit coverage should be terminated for another reason listed above. I understand that by submitting this Notice of Termination, that I am no longer authorized to discharge storm water associated with industrial activity in accordance with the general permit, and that discharging pollutants in storm water associated with industrial activity to surface waters is unlawful where the discharge is not authorized by a VPDES permit. I also understand that the submittal of this Notice of Termination does not release an owner from liability for any violations of this permit or the Clean Water Act."

Print Name: _____ Title: _____

Signature: _____ Date: _____

Phone Number: _____ Email Address: _____

For Department of Environmental Quality Use Only

DEQ-WATER FORM **SWGP-VAR05-NOT** (7/09)-r1

Accepted/Not Accepted by: _____ Date: _____

INSTRUCTIONS for DEQ-WATER FORM SWGP-VAR05-NOT

VPDES General Permit Notice Of Termination - Industrial Activity Storm Water Discharges

General

A VPDES General Permit Notice of Termination must be submitted when an owner no longer wishes to be covered under a VPDES General Permit for Storm Water Discharges Associated with Industrial Activity.

Section 1 Facility Owner Information

Give the legal name of the person, firm, public organization, or any other entity that owns the facility or site described in this Notice of Termination and was issued the general permit for the facility. The name of the owner may or may not be the same as the name of the facility. Do not use a colloquial name. Enter the complete address and phone number of the owner.

Section 2 Facility Location Information

Enter the facility's or site's official name and complete street address, including city, state and ZIP code.

Section 3 Permit Information

Enter the existing VPDES Storm Water General Permit number assigned to the facility or site identified in Section 2.

Section 4 Reason for Termination

Check the appropriate statement indicating the reason for submitting this Notice of Termination.

Section 5 Certification

State statutes provide for severe penalties for submitting false information on this Registration Statement. State regulations require this Registration Statement to be signed as follows:

For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (1) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (2) the manager of one or more manufacturing, production, or operating facilities provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures; ***[Note: if the title of the individual signing this form is "Plant Manager", submit a written verification that the authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures];***

For a partnership or sole proprietorship: by a general partner or the proprietor; or

For a municipality, state, Federal, or other public facility: by either a principal executive officer or ranking elected official.

The Department of Environmental Quality reserves the right to request additional information not directly addressed by the registration statement if, in its discretion, a facility or operation poses a potential impact on water quality.

ATTACHMENT C

Example Registration Statement Transmittal Letter

Transmittal Letter
Industrial Storm Water General Permit Registration Statement

[Regional Letterhead]

Date

Contact
Company
Address
City state zip

RE: Reissuance of the VPDES Industrial Storm Water General Permit (VAR05)

Dear Contact:

The existing VPDES Industrial Storm Water General Permit will expire on June 30, 2009. At their April 27th meeting, the State Water Control Board adopted the amendments to the Industrial Storm Water General Permit Regulation as final. The regulation will be published in the Virginia Register on May 25th, and should be final on June 24th. If you continue to operate your facility beyond the expiration date of the current permit you must reapply for authorization under the new permit.

Attached is the revised Registration Statement and instructions to reapply for permit coverage. Also attached is the DEQ Water Permit Fee form. **In order to ensure that your application is processed in the shortest amount of time, we recommend that the Registration Statement be returned by June 1st. However, Registration Statements MUST be returned before July 1st for facilities to be in compliance with the regulation.** To renew permit coverage, please return the completed Registration Statement and its required attachments, along with a copy of your check and copy of the completed Fee Form to the DEQ *[RO NAME]* Regional Office at the following address:

DEQ *[RO NAME]* Regional Office
[RO ADDRESS]
[RO CITY], VA *[RO ZIP]*

The **original** Fee Form and **original** check for \$500 made out to "Treasurer of Virginia" should be sent to:

DEQ Receipts Control
P.O. Box 1104
Richmond, VA 23218.

One change that was made to the final regulation was that your Storm Water Pollution Prevention Plan (SWPPP) does NOT need to be updated with the new permit requirements prior to submitting the Registration Statement. The SWPPPs will need to be updated by October 1, 2009. Also, a copy of the updated site map does NOT need to be submitted with the Registration Statement. The updated map needs to be submitted to the Regional Office by October 1, 2009.

Another change that was made to the final regulation was that all Registration Statements will be posted to DEQ's web page for a 30-day public review prior to the Department issuing permit coverage for a facility.

DEQ has started moving towards a paperless permit processing system. If you would like your permit sent to you electronically, we are asking that you check the "Yes" box on the Registration Statement, item 12, agreeing to allow us to transmit the final permit by email. We believe that electronic permit transfer has benefits for both you and DEQ.

If you have any questions, you may contact me at xxx-xxx-xxxx or by email at jon.writer@deq.virginia.gov.

Sincerely,

Permit Writer

ATTACHMENT D

Example Transmittal Letters for Issuing General Permit Coverage

- (1) Standard Issuance/Reissuance (No TMDL, No Impaired Waters)**
- (2) Issuance/Reissuance - Facilities Discharging to Impaired Waters With a TMDL That Specifically Identifies the Facility**
- (3) Issuance/Reissuance - Facilities Discharging to Impaired Waters Without an Established/Approved TMDL**

Example Transmittal Letter - 1
ISW GP - Standard Issuance/Reissuance (No TMDL, No Impaired Waters)

[Regional Letterhead]

Date

Facility

Address

City state zip

Attn: Facility Contact

RE: Coverage under the VPDES Industrial Storm Water General Permit VAR05 _____

Dear Permittee:

We have reviewed your Registration Statement received on _____, and have determined that the facility identified in the Registration Statement is hereby covered under the referenced VPDES general permit. Your coverage under this permit is effective as of **[Insert the application complete date (APCP) for the date of coverage]**. The enclosed copy of the general permit contains the applicable SWPPP, sector specific requirements, **[Include if applicable: effluent limitations, benchmark monitoring requirements]**, and other conditions of coverage.

[Include this paragraph if the facility has EL or BM Monitoring] Discharge Monitoring Reports (DMRs) for your outfalls that require **[Choose all that apply: effluent limitation monitoring [and] benchmark monitoring]** are included with the permit. Each DMR specifies the applicable monitoring parameters required by the permit. A DMR is to be completed for each permitted outfall for each monitoring period (see the permit for the specific monitoring periods for each applicable monitoring type), and you are responsible for obtaining additional copies of the DMRs. The DMRs must be submitted to this office on the schedule shown in the permit in Part I A 4, Table 70-4.

[Include this paragraph if this is an existing facility renewing coverage] The general permit requires that you update your Storm Water Pollution Prevention Plan (SWPPP) by October 1, 2009 to incorporate the SWPPP changes that the Department made for this permit reissuance. The permit also requires that you submit your updated SWPPP Site Map (see permit Part III B 2 c) to this office by October 1, 2009.

This general permit will expire on June 30, 2014. The permit requires that you submit a new registration statement at least 90 days prior to that date if you wish continued coverage under the general permit, unless permission for a later date has been granted by the Board. Permission can not be granted to submit the registration statement after the expiration date of the permit.

If you have any questions, please do not hesitate to contact us.

Sincerely,

Water Permit Manager

Example Transmittal Letter - 2

ISW GP - Issuance/Reissuance - Facilities Discharging to Impaired Waters With a TMDL That Specifically Identifies the Facility

[Regional Letterhead]

Date

Facility

Address

City state zip

Attn: Facility Contact

RE: Coverage under the VPDES Industrial Storm Water General Permit VAR05_____

Dear Permittee:

We have reviewed your Registration Statement received on _____, and have determined that the facility identified in the Registration Statement is hereby covered under the referenced VPDES general permit. Your coverage under this permit is effective as of **[Insert the application complete date (APCP) for the date of coverage]**. The enclosed copy of the general permit contains the applicable SWPPP, sector specific requirements, **[Include if applicable: effluent limitations, benchmark monitoring requirements]**, TMDL requirements, and other conditions of coverage.

[Include this paragraph if the facility has EL or BM Monitoring] Discharge Monitoring Reports (DMRs) for your outfalls that require **[Choose all that apply: effluent limitation monitoring [and] benchmark monitoring]** are included with the permit. Each DMR specifies the applicable monitoring parameters required by the permit. A DMR is to be completed for each permitted outfall for each monitoring period (see the permit for the specific monitoring periods for each applicable monitoring type), and you are responsible for obtaining additional copies of the DMRs. The DMRs must be submitted to this office on the schedule shown in the permit in Part I A 4, Table 70-4.

Your facility discharges the pollutant of concern to an impaired waterbody that has a Total Maximum Daily Load (TMDL) Wasteload Allocation established by the Board and approved by EPA. As such, you are required to modify your Storm Water Pollution Prevention Plan (SWPPP) to implement BMPs designed to meet the allocation in the TMDL (see the attached relevant pages from the TMDL). **[Include this sentence if the facility has a TMDL WLA and therefore requires TMDL Monitoring: You are required to perform monitoring for the TMDL pollutant of concern, and to submit TMDL [If the facility has EL or BM monitoring, use the second option here: Discharge Monitoring Reports (DMRs) / DMRs]** to this office on the schedule shown in the permit in Part I A 4, Table 70-4. The TMDL DMR specifies the monitoring parameter(s) required by the TMDL. A DMR should be completed for each permitted outfall for each monitoring period, and you are responsible for obtaining additional copies of the DMRs. See the permit Part I A 1 c (3) for specific "TMDL" monitoring requirements.]

[Include this paragraph if this is an existing facility renewing coverage] The general permit requires that you update your SWPPP by October 1, 2009 to incorporate the SWPPP changes that the Department made for this permit reissuance. The permit also requires that you submit your updated SWPPP Site Map (see permit Part III B 2 c) to this office by October 1, 2009.

This general permit will expire on June 30, 2014. The permit requires that you submit a new registration statement at least 90 days prior to that date if you wish continued coverage under the general permit, unless permission for a later date has been granted by the Board. Permission can not be granted to submit the registration statement after the expiration date of the permit.

If you have any questions, please do not hesitate to contact us.

Sincerely,

Water Permit Manager

Example Transmittal Letter - 3
ISW GP - Issuance/Reissuance - Facilities Discharging to Impaired Waters Without an Established/Approved TMDL

[Regional Letterhead]

Date

Facility
Address
City state zip

Attn: Facility Contact

RE: Coverage under the VPDES Industrial Storm Water General Permit VAR05_____

Dear Permittee:

We have reviewed your Registration Statement received on _____, and have determined that the facility identified in the Registration Statement is hereby covered under the referenced VPDES general permit. Your coverage under this permit is effective as of **[Insert the application complete date (APCP) for the date of coverage]**. The enclosed copy of the general permit contains the applicable SWPPP, sector specific requirements, **[Include if applicable: effluent limitations, benchmark monitoring requirements]**, and other conditions of coverage.

[Include this paragraph if the facility has EL or BM monitoring] Discharge Monitoring Reports (DMRs) for your outfalls that require **[Choose all that apply: effluent limitation monitoring [and] benchmark monitoring]** are included with the permit. Each DMR specifies the applicable monitoring parameters required by the permit. A DMR should be completed for each permitted outfall for each monitoring period (see the permit for the specific monitoring periods for each applicable monitoring type), and you are responsible for obtaining additional copies of the DMRs. The DMRs must be submitted to this office on the schedule shown in the permit in Part I A 4, Table 70-4.

Your facility discharges to an impaired waterbody that does not have a Total Maximum Daily Load (TMDL) Wasteload Allocation established by the Board and approved by EPA. You are required to perform monitoring for the pollutant(s) that are causing the impairment, and to submit **[If the facility has EL or BM monitoring, use the second option here: Discharge Monitoring Reports (DMRs) / DMRs]** to this office on the schedule shown in the permit in Part I A 4, Table 70-4. The DMR specifies the monitoring parameter(s) required to be monitored. A DMR should be completed for each permitted outfall for each monitoring period, and you are responsible for obtaining additional copies of the DMRs. See the permit Part I A 1 c (4) for specific "impaired waters" monitoring requirements.

[Include this paragraph if this is an existing facility renewing coverage] The general permit requires that you update your Storm Water Pollution Prevention Plan (SWPPP) by October 1, 2009 to incorporate the SWPPP changes that the Department made for this permit reissuance. The permit also requires that you submit your updated SWPPP Site Map (see permit Part III B 2 c) to this office by October 1, 2009.

This general permit will expire on June 30, 2014. The permit requires that you submit a new registration statement at least 90 days prior to that date if you wish continued coverage under the general permit, unless permission for a later date has been granted by the Board. Permission can not be granted to submit the registration statement after the expiration date of the permit.

If you have any questions, please do not hesitate to contact us.

Sincerely,

Water Permit Manager